

Pay to
County of SB:

643#

APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

09APL-00000-00029

Submit to: Clerk of the Board
County Administration Building
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

SANTA BARBARA BOTANIC GARDEN: 99-DP
1212 MISSION CANYON RD 11/5/09

SANTA BARBARA 023-051-004

RE: Project Title Botanical Garden Vital Mission Plan
Case Number 99-DP-043 72-CP-116R01

Tract/APN Number 023-340-013-014-015, 023-052-001, -002, -003, -004, -008, -011, -012, 023-060-022, -023, -024, -025, -038, 023-350-006, 21-030-001
Date of action taken by Planning Commission, Zoning Administrator, or Surveyor Oct 26, 2009

I hereby appeal the Approval of the Planning Commission
(approval/ approval with conditions/ or denial) (Planning Commission/ Zoning Administrator/ or County Surveyor)

Please state specifically wherein the decision of the Planning Commission, Zoning Administrator, or Surveyor is not in accord with the purposes of the appropriate zoning ordinance (one of either Articles I, II, III, or IV), or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission, Zoning Administrator, or Surveyor. {References: Article I, 21-71.4; Article II 35-182.3, 2; Article III 25-327.2, 2; Article IV 35-475.3, 2}

Attach additional documentation, or state below the reason(s) for this appeal.

See attached

Specific conditions being appealed are:

See attached

Name of Appellant (please print): Frank Arredondo & Friends of Kashwa
Address: PO Box 161 SB CA 93102
Santa Barbara CA 93102 805-671-6884
(Street, Apt #) (City/ State/ Zip Code) (Telephone)

Appellant is (check one): Applicant Agent for Applicant Third Party Agent for Third Party

Fee \$ 643 {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature: Frank Arredondo Date: Nov. 5 2009

FOR OFFICE USE ONLY

Hearing set for: _____ Date Received: _____ By: _____ File No. _____

Ksen~Sku~Mu

Frank Arredondo ~Chumash MLD

Po Box 161

Santa Barbara Ca, 93102

November 05, 2009

Board of Supervisors of Santa Barbara County

Santa Barbara County

123 E Anapamu St.

Santa Barbara Ca, 93101

Re: Santa Barbara Botanical Garden Vital Mission Plan,

Honorable Chair and SUPERVISORS,

My name is Frank Arredondo. I come to you as a messenger from the Native American community. I thank you for the opportunity to comment on the above referenced project. This letter is on behalf of members of the Native American community and the Cultural Resource Committee formed in response to the Botanical Garden's proposal for development.

Attached at the end of this document are several references to Material presented in this letter, including the Community members who has submitted comments and support of the preservation of Kashwa.

The approval of the Botanical Garden permit for development is not in accord with the purpose of the appropriate zoning ordinance Article II. An error in discretion by the planning commission to follow the requirements of 35.60.040 - Archaeological Resources - Coastal Zone and Inland Area has taken place.

Sections from LUDC are listed below:

Chapter 35 Zoning Section 35-1 County Land use development code.

Article 35.6-Resource Management

Chapter 35.60 _ Resource protection standards 35.60.040- Archaeological-resources-6-3

"The following standards are applicable within the Coastal Zone and the Inland area as indicated below.

A. Coastal Zone and Inland area requirements

1. Development proposed on a lot where archaeological or other cultural sites are located shall be designed to avoid impacts to the cultural sites if possible.
2. When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, adequate mitigation shall be required. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
3. Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites.

B. Inland area requirements. All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological and other classes of cultural sites."

It is the claim that all available measures, including purchase of the site, tax relief, purchase of development rights, etc, have not been explored to avoid development on this significant prehistoric, archaeological cultural site.

The development proposed on a lot where archaeological & cultural resources are located has not been designed to avoid impacts to the cultural site. The avoidance of construction on the site and adequate mitigation measures has not been implemented. These mitigation measures have not been designed within the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. Lastly, Native Americans have not been "consulted", they have submitted "comments" and expressed concerns, but not "consulted".

In reviewing the General Plan several issues are brought to the attention as to the importance of protecting known archaeological & cultural sites from development. Under the conservation element of the general plan pg 227 to 234 it states that a study in 1973 was conducted and it concluded that over 50% of the all archaeological sites in California have been destroyed and that 81% of archaeological sites in Santa Barbara County have been destroyed. That study was conducted 36 years ago. Common sense tells us that the percentage has risen. A summary of this problem in the 70's is listed here:

"Since the data base for archaeology is in clear jeopardy and since archaeological sites are a non-renewable resource, archaeologists regard the remaining sites as the non-living equivalent of an endangered species."

A review of policy consistency of the General Plan identifies that urbanization and public access are the principle sources of destruction of archaeological sites. Urban growth and development are the primary

source of direct site destruction. Any activity which involves building directly on the surface of a site or running vehicles over a site poses a direct threat of destruction.

Indirect threats to sites are just as destructive. One of the most significant is public access. Vandalism is one of the worst. Activities that alter the immediate environment provide the second type of indirect impacts. None of these issues have been adequately covered in the permit application.

For specific projects the General Plan Conservation Elements gives direction on what steps should be taken:

For specific project areas, the following steps should be taken:

"A systematic ground survey of the project area and alternative areas should be carried out by the archaeologist selected. Preliminary testing of sites within the designated construction area may be included."

This step was not followed. One of the submitted comments was that based on the Environmental Impact report that alternative 4—redesign, allowed for relocation of the "Caretakers cottage" to the "Directors" parcel as a feasible measure. The movement of the Caretakers cottage would allow for proposed residential units in the lower Hansen site P-13 & P-15 to be relocated to the upper portion of the Hansen site (where the Cottage was to go) and thus allow for preservation of the known archaeological site on the lower Hansen Site. The only rationale for not selecting this alternative was that they did not know if the location on the Directors parcel had any archaeological sites that would be impacted by the relocation. It was asserted that further studies in alternative areas be conducted to eliminate that factor. Further Studies was not a requirement of the CEQA review was the last response.

No study of *alternate areas* has ever been conducted by the archaeologist or by the applicant even when the EIR proposes specific alternate locations.

There has been no discussion as to the incorporation of the archaeological site into the project proposal as stated in General Plan Conservation Element, where they are designated as limited use areas, buffer zones, Outdoor museums, extensive landfill, what is proposed is "salvage excavation" as the only solution. Within the General Plan Conservation Element it lists "salvage excavation" as the last resort of preservation.

There is no discussion as to the purchase of sites, tax reliefs, designation of site as a Historical Resource, or development of a public education program that would include general information on the prehistory of Santa Barbara County, with emphasis on the importance of archaeological sites as a data base for further understanding of the aboriginal inhabitants. This was specifically requested and responded to as not being a mandatory requirement.

General Plan Land Use Element Historical and Archaeological Sites Policy 1 requires that "[a]ll available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites." The

VMP is inconsistent with this policy because no such exploration of all available measures to avoid development on 1) the historically significant County Landmark #24 or 2) culturally, archaeologically, and spiritually significant sites.

Additionally, General Plan Land Use Element Historical and Archaeological Sites Policy 2 requires that project design avoid impacts to cultural or archaeological sites if possible. Elements of the Project design including the proposed road on the Hansen site do not avoid significant archaeological and cultural resources, though it is possible to eliminate the road to avoid the significant sites. Moreover, the Project design includes new structures in and near Landmark #24 that impact the significance of the landmark (a cultural site), but Project redesign that would avoid these impacts was not considered.

For these reasons the Project is inconsistent with General Plan Cultural Resource policies, and the FEIR is defective for failing to recognize this inconsistency as a potentially significant impact. See CEQA Guidelines App. G § IX (b); *Pocket Protectors*, 124 Cal.App.4th at 930.

Land Use Element Policies and Mitigation. Historical and Archaeological sites policies in the County Land Use Element specify that if "sufficient planning flexibility does not permit avoiding construction on ... cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historical Preservation and The Native American Heritage Commission."

"If a determination is made that the resource is important, the applicant will be requested to work closely with the County and the cultural resource consultant to provide for appropriate mitigation either by avoidance of the deposit, adoption of development restrictions to preserve them, or special construction techniques (e.g., covering, etc.) to protect them. To the extent that direct impacts cannot be avoided, mitigation measures shall be required. The development of such measures will be the task of the consultant working in conjunction with the county and the applicant, which would require additional archaeological excavation of a sample of the area to be impacted (Phase 3 investigation)."

Native American Consultation

In review of Policy consistency the Coastal Plan requires that Native Americans are "consulted" when development practices will impact significant cultural resources, Policy 10-5. It is understood that this project is not part of the Coastal Plan, but there should be no difference on the requirement to "consult" based on Inland or Coastal.

Requirements from the State Native American Heritage Commission as well as the Santa Barbara County Environmental guidelines pgs 45-57 require substantial involvement of the Native American community.

Native American "consultation" has not taken place, only "comments" have been accepted and there is a difference between "comments" and "consultation". There is a difference between Conference with a big "C" and a little "c". Please see California Department of Transportation Environmental handbook Exhibit 3.1 definitions of Consultation. As well as the Native American Heritage Commissions

terminology and the State Office of Historic Preservation, they all have the same meaning of what it means to "consult" and it is not the form of "comments".

SB County has failed to address the issues revolving around the Native American community on this project. It is very well known that this project stands to seriously impact the intact portions of SBA-58 due to development. It is the requirement of the Planning dept to review all feasible mitigations in order to avoid the impact. With out the "consultation" from the Native American community it will never achieve this goal. So far what the SB County has done is sent out notices for public comment. They have received several written comments from me requesting to address the Ethnic concerns of the community.

The SB County Policies that have been loosely followed are:

"County of Santa Barbara Environmental Thresholds and Guidelines Manual, 8. Cultural Resources Guidelines Archaeological, Historical, and Ethnic Elements"

- C Phase 3 Mitigation, 4. Land Use Element and Local Coastal Plan Policies and Mitigation
- E. Ethnic Impacts. 1. Ethnic Impact Assessment.
- 3. Native American Consulting
- F. Sequential Steps for Implementation of CEQA Appendix K.

"County of Santa Barbara Resource Management department Regulations Governing Archaeological and Historical Projects undertaken in conformance with the California Environmental Quality Act and Related Laws: cultural Resource Guidelines"

- 5.0 Ethnic Evaluation, b.
 - Phase 2 Prehistoric Archaeological and Historical Projects 3. Native American Participation
 - Phase 3 Prehistoric Archaeological and Historical Projects
3. Native American Participation

8. Cultural Resources Guidelines, Archaeological, Historical, and Ethnic Elements

C. Phase 3: Mitigation.

4. Land Use Element and Local Coastal Plan Policies and Mitigation. Historical and Archaeological sites policies in the County Land Use Element and Local Coastal Plan specify that if "sufficient planning flexibility does not permit avoiding construction on ... cultural sites, adequate mitigation shall be required". Mitigation shall be designed in accord with guidelines of the State Office of Historical Preservation and The Native American Heritage Commission." It is possible that adequate mitigation costs based on this policy may exceed limits imposed by CEQA Appendix K defined above. In these cases, use of the Appendix K funding limit would cause an inconsistency with these County Land Use Element and Local Coastal Plan policies.

Planning without addressing the Native American ethnic values and does not take into the requirement of the Native American Representatives responsibility to make recommendations for the treatment of the resources and express the concerns of the Native American Community. This is a policy the SB County is required to follow. With out this important process in place the cultural resource consultant to make there own recommendation without the input from the Native American Community.

Specifically it is during the Phase 1, 2, 3 studies that the Native American representative appointed by members from the NAHC MLD list and Contact list are to file a report. If the members of the this list have never appointed any representative to write a written report which is to express the concerns abut the resource and recommendations for the treatment than this part of the process has not been completed.

Therefore the consultant cannot make the claim that the Ethnic values have been addressed.

“The Regulations Governing Archaeological and Historical Projects Undertaken in Conformance with the California Environmental Quality Act and Related Laws: Cultural Resource Guidelines,”

This document provides that Native Americans are to participate in such a way that is specific to certain actions. This has not taken place.

Phase 2 Prehistoric Archaeological and Historical Projects

3. Native American Participation

a. “Phase 2 Prehistoric Archaeological and Historical Projects 3.0 Native American Participation, (a)” In any project that involves subsurface excavation of aboriginal sites, individuals most likely to have descended from the Native Americans inhabiting the site or project area, as well as those recognized by the State Native American Heritage Commission, shall be informed. Representatives appointed by at least one of theses groups shall be retained by the developer as consultants for the purpose of assessing the ethnic and religious significance of identified archaeological resources. Theses individuals shall serve as monitors during the course of fieldwork and shall participate in the preparation of a written report which expresses their concerns about the resources and recommendations for their treatment.

The representatives who have descended from the project location and on the NAHC list are to appoint who will be the consultant and monitor. This has not been done. This also involves all phase 1 projects and phase 3 projects. No report has been filed by the Native American participant any of the field surveys as required. No one from the NAHC has made recommendation as to appoint who will act as consultants for the purpose of assessing the ethnic and religious significance of the identified archaeological resource.

Phase 3 Prehistoric Archaeological and Historical Projects

3. Native American Participation

A program requiring participation of Native Americans in prehistoric archaeological investigations shall conform to Section 3 of the Phase 2 regulations.

§ 5097.96: The NAHC inventory of Native American sacred places

Authorizes the Native American Heritage Commission to prepare an inventory of sacred places located on public lands and to review the administrative and statutory protections accorded to such places. Directs the commission to submit a report to the Legislature recommending actions, as the commission deems necessary, to preserve such sacred places and to protect the free exercise of Native American religions.

§ 5097.97: NAHC investigations

Enables the Native American Heritage Commission to investigate the effect of proposed actions by a public agency if such action may cause severe or irreparable damage to a Native American sacred site located on public property or may bar appropriate access thereto by Native Americans. Authorizes the commission to recommend mitigation measures for consideration by the agency if the commission finds, after a public hearing, that the proposed action would result in such damage or interference. Allows the commission to ask the attorney general to take appropriate action if the agency fails to accept the mitigation measures.

SBa-58 is classified as Native American sacred area, Traditional cultural sites and this includes definitions such as villages, campsites, gathering and harvesting areas, quarries, tool manufacturing areas, rock painting and carving areas, and burial grounds. This location also is considered to be a Religious or spiritual site.

The direct and indirect threat of the development of this project has not been adequately addressed. Several "Key Points" were presented to the Planning commission and they failed to make any comment on them. This list of Key Points came directly from individuals who are listed as Native American Contacts on the State of California Native American heritage Commission, Santa Barbara County Native American Contact list, and Santa Barbara Monitor List. These individuals represent the Native American Community who have provided their Genealogy to an agency and is recognized as Native American. If their voices are not heard then it is a travesty of the administrative process. They have spoken asking for further measures to preserve this site as the County Policies call for.

Haku

Frank Arredondo-Chumash Territory MLD

Cultural Resource Preservation Advocate

ksen_sku_mu@yahoo.com

PO Box 161 Santa Barbara, CA 93102 (805) 617-6884

Supporting Documents-

1-August 31, 2009- letter to Planning dept

2-Article 1 Chapter 35 Zoning Section 35

3-General Plan Conservation Element

4- Coastal Land Use Plan

Supporting Documents

1- Aug 31,2009

Ksen~Sku~Mu

Frank Arredondo ~Chumash MLD

Po Box 161

Santa Barbara Ca, 93102

August 31, 2009

Planning and Development Commission of Santa Barbara County

Santa Barbara County

123 E Anapamu St.

Santa Barbara Ca, 93101

Re: Santa Barbara Botanical Garden Vital Mission Plan,

Honorable Chair and Commissioners,

My name is Frank Arredondo. I have spoken to you before at the last meeting and today I come to you as a messenger from the Native American community. I thank you for the opportunity to comment on the above referenced project. This letter is on behalf of the Cultural Resource Committee formed in response to the Botanical Garden's proposal for development. Listed at the end of this letter are the participants to this committee and others that are in support to this letter and its "Key Points"

recommendations. I humbly hope that they will be taken in consideration with your decision on the proposed project.

As an attempt to have formal consultation with the Native Community the staff of the Santa Barbara County Planning commission agreed for myself, Frank Arredondo Chumash, to seek out members of the Chumash Community and bring them forward to address the Ethnic Impacts in compliance with the Santa Barbara County Cultural Resource Guidelines, and the Sequential steps for Implementation of CEQA, Appendix K.

With a weeks notice I made phone calls and sent email notices to Native American Community members and was able to bring together a handful of community members who could attend on short notice. Others have asked to be kept informed of the progress of this project and reserve their right to comment at a later time.

These Native American community members were identified to have traditional ties to the area and were brought into discussions about cultural resources. On Friday August 28, 2009 from 1pm to 4:30 pm, Native American Community members came together with SB County Staff and the Garden Representatives. As a group we were too exchange specific concerns and recommendations for the project so as to better understand and consider the concerns, discuss appropriate mitigation measures to satisfy all interests where possible.

Indeed information was presented and questions and concerns were brought forth. However, the discussion of appropriate mitigation measures that would satisfy all interest present was scarcely discussed. The core interchange that takes place with consultation such as seeking, discussing and considering the views of others, and where feasible, seeking agreement with them on how the resource should be identified, considered, and managed was only partially met. Consultation on a specific undertaking should proceed until agreement is reached or until it becomes clear to the agency that agreement cannot be reached. This meeting never made it to the latter portion of the process of coming to any agreement. Two factors have created this shortfall. The consultation process is being done at the end of the EIR process, where no feasible alternatives can be explored, and secondly we only had a week to bring the Native American community together for this meeting, it is anticipated that there are several others that would provide further information as to the possibility of intact resources and or ceremonial burial locations. So we have come up short.

Based on this rationale of consultation, true consultation has not taken place. We as a group can only agree on the terminology of consultation when it reflects the process that allows our concerns to be identified and a feasible solution to be presented or explored or determined after identification, consideration, and proven as being unmanageable. Until then we can only agree that we are being allowed to submit comment as a Cultural Resource Committee and have not completed consultation.

It would be the request of this group to not use the term "consultation" unless we are allowed to seek an agreement on mitigation measures that satisfy all interest and all processes. Specifically on seeking agreement on how the resource should be identified, considered, and managed.

As part of the group's response to this meeting we have prepared a list of "Key points" that we would offer for consultation topics, if this should carry forward. These key points are actions that as a group have agreed on before any project approval would take place.

These specific concerns also include recommendations.

KEY POINTS

- The main concern for this group is that this project is not shovel ready, further analysis is needed.
- Any development within the entire Botanical Garden boundaries requires Native American Monitoring. Currently the plans call for an Archaeologist to be present for all sub-surface disturbances, Native American monitoring is only required in the area of the known intact site. It has been determined by this group that a Native American Monitor should be present in the same locations as the archaeologist is required to be present.
- Each phase of development should have a pre-construction meeting to discuss the potential to encountering Native American resources.
- Avoidance- The EIR has not adequately demonstrated that it has addressed the issue of avoidance by redesign of infrastructure to the archaeological site.
- Additionally the EIR has not adequately discussed all potential impacts to CA-SBa-22.

- The EIR has failed to address the cumulative impacts to Native American resources. It has been determined the area as a whole (The entire Garden property) should be viewed as a sacred place. The "chipping away" at remnants of a known intact "midden" location CA-SBa-22 by building in areas of low density areas, does not address the impact to the area cumulatively.
- Shovel Test Pits (STP's) should be done in all areas of the Garden which will undergo subsurface disturbance such as in areas of building foot prints to test for the presence or absence of cultural resources. Some areas of the development propose reconstruction of buildings which will increase the building foot prints. These new building footprints are potentially in areas of sensitive subsurface resources. Because it is undetermined if there are resources subsurface a series of STP's should be completed in these areas as well. Phase 1 studies are not adequate.
- It is recommended that the applicant should contribute funds to the support educational and Native American heritage programs in a manner and amount acceptable to the Planning and Development dept. This contribution would serve to reduce the cumulative loss of heritage values. Currently the Staff recommendation is that the Garden does this for the history of the Garden- which began in the 1930's. The area has been inhabited by Native Americans for close to 5k years and should be recognized through an educational and heritage program. This was presented in public comment and the staff reply was that this mitigation measure was only a recommended condition and not a requirement.
- New STP's should be conducted in the lower water basin that is too built on the Hansen site as well as the locations where the proposed infrastructure would impact. The potential for redeposited resources and previously unknown resources is great.
- Lastly, it is felt that the entire boundary location of CA-SBA-22 should avoid of any impacts and the site should remain intact as is. No Grading to widen a road that will only be widen in small areas and prove to be redundant, no infrastructure directly in the site boundaries, and no drainage basin unless further explorative actions are made.

In conclusion, this Group of individuals has agreed to come together to form a Cultural Resource Committee. A committee that would attempt to address mitigation measures for Native American sites in this area and possibly others in the future. It is open to all Native Americans on the NAHC contact list, SB County List and SB City contact list. As well as any community approved Native Americans are welcomed.

We have come together to help the County address its responsibility towards Ethnic concerns and we offer our voice to the process. We can only hope that you are willing to hear us, hear our

cry for avoidance and finding alternative options to development because these are the last remaining locations of a civilization that has been taken away from this community's descendents. We have been around in this area for centuries and do not wish our past to be forgotten for the sake of someone being able to dig up an artifact to study or for an employee to have an affordable place to live. These resources are not replaceable and mitigation measures that only offer "controlled destruction" is still destruction whether it is in areas of low density or high density. It is a place that we come from.

Current attendees of the Cultural Resource Committee:

Art Cisneros ~ Chumash

Gilbert Unzueta ~ Wot, Santa Barbara "Another Chumash Resource"

Charles Parra and Susie Ruiz ~ Ventureno and Barbareno County Native American council members

Freddie Romero ~ Stakeholder

Frank Arredondo ~ Chumash

Other Native American community members/groups who have offered support of this letter and/or interest in the committee and/or project:

Quintan Shup ~ Owl Clan consultants

John Ruiz ~ Chumash

Patrick Tumamait ~ Chumash

Julie Tumamait ~ Chumash

Randy Folks ~ Chumash

Janet Garcia ~ Coastal Band of the Chumash Nation

Frank Arredondo-Chumash Territory MLD

Cultural Resource Preservation Advocate

ksen_sku_mu@yahoo.com

PO Box 161 Santa Barbara, CA 93102 (805) 617-6884

CC:

Native American Heritage Commission – Larry Myers, Katy Sanchez

Santa Ynez and Of Mission Indians –Sam Cohen, Freddie Romero

Michelle C. Messinger State Historian II - CEQA Coordinator Office of Historic Preservation

2- Chapter 35 Zoning Section 35-1 County Land use development code

The approval of the Botanical Garden permit for development is not in accord with the purpose of the appropriate zoning ordinance Article II. An error in discretion by the planning commission to follow the requirements of 35.60.040 - Archaeological Resources - Coastal Zone and Inland Area has taken place.

Sections from LUDC are listed below:

Article 35.6-Resource Management

Chapter 35.60 _ Resource protection standards 35.60.040- Archaeological resources 6-3

“The following standards are applicable within the Coastal Zone and the Inland area as indicated below.

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1. Development proposed on a lot where archaeological or other cultural sites are located shall be designed to avoid impacts to the cultural sites if possible.
2. When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, adequate mitigation shall be required. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
3. Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites.

B. Inland area requirements. All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological and other classes of cultural sites.”

Archaeological Sites

INTRODUCTION

In order that the findings and recommendations of the archaeologists be understood in their proper context, brief summaries of relevant topics are presented below.

Status of the Archaeological Resources of Santa Barbara County

The Indians of Santa Barbara County and the modern population of the same area show preference for the same general locations, although factors causing these similar population distributions are probably different (Heizer, 1960: 9). As a result, present populations have damaged many archaeological sites. The rapid attrition of the archaeological data base has caused concern among archaeologists. The California State Archaeological Task Force (Moratto, 1973: 2) has estimated that 50 per cent of all archaeological sites in California have been destroyed. The same group estimated that 81 per cent of archaeological sites in Santa Barbara County have been destroyed (Moratto, 1973: 18). The rate of destruction has increased with the acceleration of development in the County since 1960. Although the estimated percentage of destroyed sites in the County appears too high, all archaeologists would share the opinion that a significantly high percentage of sites are no longer available for research. The rapid erosion of the data base for archaeology has forced archaeologists to expend effort toward the preservation of the remaining archaeological resources of the County.

Since the data base for archaeology is in clear jeopardy and since archaeological sites are a non-renewable resource, archaeologists regard the remaining sites as the non-living equivalent of an endangered species.

Professional Assessment of the Importance of Archaeological Sites

Professional guidelines governing the assessment of the importance of archaeological sites are stated below:

-Archaeological sites are a non-renewable resource.

-All remaining archaeological sites are of equal importance; each represents part of a system of cultural development and adaptation. Priority for site excavation should not be confused with the importance of an archaeological site.

-The state of preservation of archaeological-sites is not a relevant variable for assessment of the importance of an archaeological site; all archaeological sites contain information which can contribute to the reconstruction of the prehistory of Santa Barbara County.

THREATS TO ARCHAEOLOGICAL RESOURCES

Archaeological sites are a non-renewable resource. In Santa Barbara County archaeological resources include shell middens, rockshelters, lithic scatters, caves, pictographs, and petroglyphs, each of which represents separate and distinct activities of the aboriginal inhabitants. In order to understand the importance of the following recommendations for site preservation, the nature of present and potential threats to archaeological sites must be recognized.

Site Destruction: General

Any alteration of the surface of a site constitutes destruction to some extent. Such alterations include both surface collection by amateurs and modifications of the ground surface. Destruction of archaeological sites is accelerating rapidly. Since 1960, 16,000 sites have been destroyed in California alone, and the estimated per annum rate of destruction is 1,400 (Moratto, 1973: 4). This does not mean that sites which have already been partially destroyed are less important than those which are well preserved. Partially destroyed sites still contain information relevant to studies of prehistoric populations.

Threats to archaeological sites can be classified into two groups, direct and indirect. The former includes actual alteration of the land upon which a site is located. The latter refers to increased access to an area or alteration of the surrounding area so near a site that the site may eventually be destroyed. For documented examples of site destruction in California, see Moratto (1973).

Direct Threats to Sites

Urban growth and agricultural development are primary sources of direct site destruction. Such activities include, but are not limited to,

-Plowing Bulldozing

-Residential construction Industrial construction

-Grading for roads and highways

-Construction of parking lots

-Construction of airstrips

-Construction of railways (Moratto, 1973; King, Moratto, and Leonard. n.d.; Sparme, 1974).

Any activity which involves building directly on the surface of a site or running vehicles over a site poses a direct threat of destruction. Other examples of such direct destructive factors include:

- Cattle grazing
- Water projects (eroding and burying sites)
- Off-road vehicles
- Recreational developments
- Natural forces (water and wind)
- Unauthorized collecting of artifacts (Moratto, 1973; King, Moratt, and Leonard n.d.; Spanne , 1974).

Indirect Threats to Sites

One of the most significant indirect threats for the destruction of archaeological sites is public access. Vandalism has always been a source of destruction to sites, and it becomes greater with increased access to areas of archaeological significance. Examples of factors contributing to vandalism of archaeological resources include increase in temporary or permanent population in the vicinity of a site through construction of housing projects, trailer parks, campgrounds, or recreation areas; construction of roads which are open to the public (or opening up of previously restricted roads) providing access to areas of archaeological significance; and publication of known site locations or areas of site density.

Activities which alter the immediate environs of archaeological sites provide a second type of indirect threat. Re-directing stream channels and construction (of the types listed under Direct Threats) which may increase or stimulate erosion are examples of such potential destruction.

The relative seriousness of these threats varies depending on topography, population density, facility of access, and numerous other factors. In the past, mining, agriculture, and logging were of primary significance as destructive forces (Moratto 1973: 3). At present, urbanization and public access appear to be the principal sources of site destruction.

CONCLUSIONS AND RECOMMENDATIONS

In order to assure the preservation of a full cross-section of sites representing the various adaptations in time and space of the prehistoric and historic occupants of Santa Barbara County, the following general recommendation is made. Preservation of archaeological resources should not be biased toward a single topographic or environmental class or toward sites of a particular time period. Therefore, it is necessary to evaluate archaeological sites and their settings on an individual basis. No general guidelines can legitimately be prescribed for the archaeological importance of any particular area without on-the-spot evaluation by a competent local archaeologist. (A list of approved archaeologists in Santa Barbara County is available from the Office of Environmental Quality, County of Santa Barbara, from the Department of Anthropology, University of California, Santa Barbara, and from the Santa Barbara Museum of Natural History.)

As local archaeologists are more familiar with the needs and problems existing in an area, they are better qualified to evaluate the importance of any particular site in their area. The problem of qualifications is a difficult one. For instance, field experience alone does not qualify an individual to properly evaluate archaeological sites. Some degree of graduate training in method and theory also is necessary. This is the reason why the list of archaeologists was prepared.

The following recommendations are made with reference both to general urban expansion in the County and to development of specific project areas:

Once the most likely direction of urban growth has been determined from the Comprehensive Plan, those archaeological site areas most likely to be subjected to development should be systematically surveyed. Such surveys would provide information on the nature and location of sites that would be useful to planners and developers before modification begins.

For specific project areas, the following steps should be taken:

A systematic ground survey of the project area and alternative areas should be carried out by the archaeologist selected. Preliminary testing of sites within the designated construction area may be included.

A report should be submitted by the archaeologist to the planners and developers concerned with the project and to responsible government agencies. This report should include details on surface and sub-surface finds, evaluation of the area and the sites it may contain, and suggestions for further actions concerning archaeological resources.

The following list of recommendations presents suggested ways in which archaeological studies may be incorporated into corporate, private, and public projects. They are listed in descending order of preference (adapted from King, Moratto and Leonard n.d.):

Archaeological sites may be incorporated into parks or landscaped areas in such a way that no damage will be done to the archaeological materials.

Areas with archaeological sites may also be designated as limited use areas where they can be protected from vandalism. For either of these first two alternatives, a preliminary survey and surface collection by a competent archaeologist must be carried out prior to any action. Buffer zones adjacent to these sites may be necessary, but the extent of such a zone must be determined for each site.

-Outdoor museums are a feasible alternative to destruction when the nature of the archaeological remains is such that their careful excavation and preservation by professionals would prove attractive to the public. This alternative would be of value to the public relations of many private firms, and would serve to increase the awareness of the County's prehistory among both residents and tourists. A museum of this sort might consist of a simple tin roof and fence protecting ongoing or completed excavations and appropriate displays of artifacts. Painted Cave is an example of how this approach has been implemented in Santa Barbara County.

-One method of preserving-sites for future archaeological investigation is through the use of extensive land fill. If sites scheduled for possibly damaging use could be covered with sufficient clean fill to avoid damage, such sites would be preserved.

-Salvage excavation is a last resort in the "preservation" of archaeological information. Such short notice excavations destroy relevant information which might be more effectively excavated with future improved archaeological methods and techniques. In salvage archaeology, it frequently is impossible to generate an adequate research design before excavation is commenced. Considering these factors, the loss of valuable information is inevitable. In addition, salvage operations are expensive undertakings. Consequently, every effort should be made to preserve, rather than excavate; endangered archaeological sites.

Other recommended approaches which might increase the protection and preservation of archaeological resources include:

-Public purchase and protection of representative sites from each topographic class (King, Moratto and Leonard n.d.:15) .

-Granting of tax relief to private owners protecting archaeological resources (King, Moratto, and Leonard n. d.:15). Protection should include no alteration of the ground surface of any archaeological site, and no surface or subsurface collecting by private owners or the public. If this approach is implemented, specific guidelines for private protection of sites can be obtained from archaeologists at the University of California, Santa Barbara.

-Action by the County to preserve and protect known historic cemetery sites (less than 200 years old). Such a policy has been legislated by the State but initiative taken by County officials would ensure enforcement of the law.

-Designation of high density archaeological resource areas as Historical Monuments. Applications for placing such areas on the National Register of Historic Places presently are pending in Santa Barbara County.

- Development of public education programs which would include general information on the prehistory of Santa Barbara County, with emphasis on the importance of archaeological sites as a data base for further understanding of the aboriginal inhabitants. Such a program might decrease the rate at which archaeological resources are destroyed by vandalism.

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3.10 ARCHAEOLOGICAL AND HISTORICAL RESOURCES

3.10.3 PLANNING ISSUES

Although factors causing similar population distribution are probably different, the Indians of Santa Barbara County and the current population show preference for the same general locations. Consequently, present populations have damaged many archaeological sites. In 1973, the California State Archaeological Task Force estimated that 50 percent of all archaeological sites in California, and 81 percent in Santa Barbara County, have been destroyed. Since archaeological sites are a non-renewable resource, the remaining sites need to be protected.

At present, urbanization and public access appear to be the principal sources of destruction of archaeological sites. Other direct threats include: plowing; bulldozing; residential and industrial construction; grading for roads and highways; construction of parking lots, airstrips, and railways; cattle grazing; water projects (eroding and burying sites); off-road vehicles; recreational developments; natural forces (water and wind); and unauthorized collecting of artifacts. One of the most significant indirect threats for the destruction of archaeological sites is public access. Vandalism has always been a source of destruction to sites, and the probability of it occurring increases with enhanced access to areas of archaeological significance. Any increase in temporary or permanent population in the vicinity of a site through construction of housing projects, trailer parks, campgrounds, or recreation areas increases the vulnerability of archaeological sites to disturbance. Construction of public roads which provide access to areas of archaeological significance or publication of known site locations or areas of high site density also can increase vandalism.

3.10.4 POLICIES

Policy 10-1: All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

Policy 10-2: When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

Policy 10-3: When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

Policy 10-4: Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.

Policy 10-5: Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.