

## 4.4 Cultural Resources

### 4.4.1 Existing Setting

For at least the past 10,000 years, the area that is now the County of Santa Barbara has been inhabited by Chumash Indians and their ancestors. Based on the Phase 1 survey prepared by David Stone of Stone Archaeological Consulting (2012), cultural resources are located in the vicinity of the proposed Project; however, to date, no cultural resources have been encountered on the Project site itself.<sup>1</sup> These include four recorded sites located on ridgelines above major drainages including Gobernador Creek, which were noted between 1,650 and 3,900 feet away from the Project site. Much of the campus, including most of the area proposed for new development, has been previously disturbed as a result of campus development.

### 4.4.2 Regulatory Setting

State of California's cultural resource policies that apply to the proposed Project include:

- *CEQA* requires that: (1) historical resources and unique archaeological resources be taken into consideration during the CEQA planning process (California Code of Regulations [CCR] Title 14[3] Section 15064.5; PRC Section 21083.2); (2) if feasible, adverse effects to the significance of historical resources must be avoided or the effects mitigated (CCR Title 14[3] Section 15064.5(b)(4)); and (3) all feasible mitigation be undertaken even if the prescribed mitigation does not mitigate impacts to a less-than-significant level (CCR Title 14[3] Section 15126.5 [a][1]). *CEQA Section 15064.5* also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered.
- *California Health and Safety Code (HSC) Section 7050.5* states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the County Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification.
- *Public Resources Code (PRC) Section 5097.5* provides for the protection of cultural resources by prohibiting the removal, destruction, injury, or defacement of archaeological features on any lands under the jurisdiction of state or local authorities. This code also governs the disposition of human remains as it falls within the jurisdiction of the Native American Heritage Commission. Assembly Bill 52, which goes into effect on July 1, 2015, amends PRC Section 5097.94 (CEQA), adding eight new sections relating to Native Americans. This law establishes a new category of resource called tribal cultural resources and establishes a process for consulting with Native American tribes and groups regarding those resources (PRC Sections 21074 and 21080.3.1).
- The *California Register of Historical Places* is designed for use by the state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical

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<sup>1</sup> A copy of the Phase I Cultural Survey is available at the County upon request.

resources. The California Register is the authoritative guide to the state's significant historical and archaeological resources.

- The *California Coastal Act of 1979* was established to extend the temporary authority of the Coastal Commission indefinitely. The Coastal Commission is tasked with the protection of coastal resources, including those of prehistoric, paleontological, historic, and cultural importance within the Coastal Zone. Section 30244 of the California Coast Act seeks to minimize the adverse impacts to historical and archaeological resources within the Coastal Zone by requiring mitigation of any adverse impacts to these resources by any development. Section 30244 of the California Coastal Act is described below:
  - Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

County of Santa Barbara cultural resource policies that apply to the proposed Project include:

- The *Santa Barbara County Article II Coastal Zoning Ordinance* provides standards for archaeological resources (35.60.040 A and B).
- The *County of Santa Barbara Comprehensive Plan* contains policies which address historical and archeological sites. Consistency with these policies is discussed in Section 4.9, *Land Use*.
- The *Coastal Land Use Plan (CLUP)* contains policies which address historical and archeological sites within the Coastal Zone of Santa Barbara County. The goals and policies addressing cultural, historical, and archeological resources which are applicable to this Project are listed below:
  - **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*.
- The *County of Santa Barbara Cultural Resources Guidelines* provide procedures for cultural resources consultants to follow in order to identify, evaluate, and mitigate impacts to cultural resources. Additionally, Section 3.1 (g.) elaborates that in areas subject to rapid alluvial accumulation (adjacent to rivers, marshes, etc.), in sand dune deposits, in areas covered by imported fill, in areas covered by dense vegetation, or in other situations, the likelihood of buried archaeological deposits must be considered. Excavation including shovel test pits or backhoe trenching may become necessary in these situations to determine whether buried deposits are present, subject to the discretion of the principal investigator.

### 4.4.3 Impact Analysis

This section reviews the analysis and mitigation measures as addressed in the Scoping Document and MND, as well as the Phase I Cultural Report (Stone 2012), and discusses the potential cultural resources impacts associated with the proposed Project. Excavation and construction activities for new faculty housing and campus structures could impact cultural resource, Table 4.4-1 below provides a summary of the cultural resources impacts resulting from the proposed Project.

**Table 4.4-1. Summary of Cultural Resources Impacts**

Cultural Resources Impacts	Mitigation Measure	Residual Significance
Impact CULT-1. Ground disturbances by construction of the Project in an area with potential cultural resource sensitivity could generate impacts to archeological resources.	MM CULT-1	Less than significant with mitigation (Class II)
Impact CULT-2. The proposed Project would not generate an increased potential for trespassing, vandalizing, or sabotaging archaeological resources of historic or cultural significance to a community or ethnic group.	No mitigation required	Less than significant (Class III)

#### 4.4.3.1 Thresholds of Significance

The *Santa Barbara County Environmental Thresholds and Guidelines Manual* incorporates mandates specified in CEQA Guidelines Sections 15064.5 and 15126.4, and includes significance criteria for evaluating cultural resources (County of Santa Barbara 2015). CEQA Section 15064.5 defines the criterion used to determine what qualifies as historical resources; additional criteria for a “unique archaeological resource” are contained in Section 21083.2 of the PRC. This analysis uses the PRC definition for a unique historical resource, which is defined as an archaeological artifact, object, or site that: 1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) is directly associated with a scientifically recognized important prehistoric or historic event or person. This analysis is based on the guidelines from the County’s Environmental Thresholds and Guidelines Manual, and uses the following criteria to determine the level of impact: the proposed Project may result in a significant environmental impact if it would result in:

- a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site;
- b. Disruption or removal of human remains;
- c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources;
- d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites;
- e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group;
- f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places; or

- g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area.

#### 4.4.3.2 Project Impacts

Based on evaluation of the Scoping Document, MND, and Phase I survey conducted for this Project, no cultural materials were identified in the areas of proposed disturbance for the Project and there were no recorded sites found within the Project boundaries. As a result, the proposed Project would not impact a known prehistoric or historic archeologic site, a site of cultural significance, the disruption or removal of human remains, or generate increased potential for trespassing, vandalizing or sabotaging of ethnic, sacred, or ceremonial places (Thresholds of Significance a, b, e, f, and g); therefore, these concerns are eliminated from further impact analysis.

#### **Impact CULT-1. Ground disturbances by construction of the Project in an area with potential cultural resource sensitivity could generate impacts to archeological resources.**

While no cultural materials were identified during the Phase 1 surveys conducted in the areas of proposed disturbance associated with the Project and there are no recorded sites within the Project boundaries, there still remains a low potential for undiscovered cultural resources to exist onsite as there are identified historic sites in the vicinity of the proposed Project (Stone 2012). In the event that previously unidentified cultural resources are discovered during site development, the standard archaeological discovery condition (MM CULT-1, *Stop Work at Encounter*) would be applied to reduce impacts to cultural resources and would ensure consistency with state and county regulations. Consequently, impacts to cultural resources would be *less than significant with mitigation* (Class II).

#### **Impact CULT-2. The proposed Project would not generate an increased potential for trespassing, vandalizing, or sabotaging archaeological resources of historic or cultural significance to a community or ethnic group.**

Based on the conclusions of the Phase I survey conducted in the areas of the proposed disturbance, there is a low potential for undiscovered cultural resources to exist onsite and it is unlikely for archeological resources of ethnic significance to be unearthed during construction. The proposed Project would result in a modest increase in students, faculty, and staff; however, Cate School would continue to operate under very similar conditions. The Project would not introduce new opportunities for trespassing, vandalism or sabotage of archaeological resources at the Project site, impacts would therefore be *less than significant* (Class III).

#### 4.4.3.3 Mitigation Measures

The following mitigation measure would reduce the Project's cultural resource impacts to a less than significant level:

*MM CULT-1* **Stop Work at Encounter.** *The Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Applicant shall retain a Planning and Development approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Applicant.*

**Plan Requirements and Timing.** This condition shall be printed on all building and grading plans.

**Monitoring.** Santa Barbara County Planning and Development shall check plans prior to Zoning Clearance issuance for each phase of development and shall spot check in the field.

#### **4.4.3.4 Residual Impacts**

As MM CULT-1, *Stop Work at Encounter*, would insure that any cultural resources encountered during construction would be protected, evaluated, and handled in accordance with an appropriate mitigation program, residual impacts would be *less than significant with mitigation* (Class II).

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