

## 4.7 Tribal Cultural Resources

This section analyzes the impacts of the implementation of the Santa Barbara County Last-Mile Broadband Program (“Broadband Program” or “Project”) on tribal cultural resources. Tribal cultural resources are those resources identified by California Native American tribes in consultation with lead agencies during tribal consultation (also referred to as Assembly Bill (AB) 52 consultation. This section describes the physical environmental and regulatory setting, the criteria and thresholds used to evaluate the significance of impacts, the methods used in evaluating these impacts, and the results of the impact assessment. Relevant tribal correspondence is included in Appendix H of this Draft PEIR.

### 4.7.1 Environmental Setting

The Project is located in the County of Santa Barbara (County). It is bordered by San Luis Obispo County to the north, the Pacific Ocean to the south and the west, Ventura County to the east, and Kern County to the northeast. Approximately one-half of the undeveloped land in the County falls within the Los Padres National Forest and Vandenberg Air Force Base. The County is diverse and is made up of built and natural environment. Urban communities are bounded and separated by rural lands. The inland North County areas consist of “rural open spaces of chaparral hillsides, oak woodlands, grassland meadows, and agricultural and pastoral landscapes containing farmlands, vineyards, and ranch-style development surrounding distinct urban communities”, while the South Coast includes “an undisturbed natural environment on the periphery of urban areas in the foothills and along the coastline” (County of Santa Barbara 2023). Lastly, the coastline contains “dunes, sandy beaches, sea cliffs, and views of the surrounding mountains, Channel Islands, and Pacific Ocean” (County of Santa Barbara 2023).

### Ethnographic Setting

The SBCAG region is located within the territorial boundary of the Chumash. Chumash territory extended from the existing city of Malibu, north passed San Luis Obispo, and approximately 68 kilometers (42 miles) inland (Glassow 1996). The Chumash also occupied the northern Channel Islands: Santa Cruz, Santa Rosa, San Miguel, and Anacapa. The Chumash spoke six languages, and were and are, divided into two broad groups: Northern and Southern Chumash. The Northern Chumash group spoke the Obispeño language, while the Southern Chumash group spoke Purisimeño, Ineseño, Barbareño, Ventureño, and Island Chumash languages (Mithun 1999). The Chumash are divided into three main geological groupings: Interior, Coastal, and Northern Channel Islands Chumash” (Grant 1978).

In the precontact era, the Chumash subsistence model was that of a hunter gatherer society and they lived in permanent villages. The size of Chumash villages ranged considerably from the coastal areas to the inland areas with many villages on the coast having several hundred occupants, whereas villages inland were significantly smaller, sometimes containing only a couple dozen inhabitants. Chumash villages were most abundantly located along the coast and were often situated on high ground adjacent to a river or stream that flowed into the ocean or along the borders of sloughs or wetlands (Grant 1978).

Chumash subsistence included both terrestrial and maritime resources. Amongst terrestrial plant resources, the acorn, collected mainly from the California live oak, was the most important. Additional plant resources included pine nuts, wild cherry, cattail, California laurel berries, and chia sage seeds. Mule deer, coyote, and fox were hunted using the bow and arrow, and smaller game was taken using

deadfalls and snares. Migratory birds such as ducks and geese were also hunted. In addition to terrestrial resources, the Chumash utilized an array of maritime resources including shellfish, sea mammals, and pelagic and schooling fish. Large fish and sea mammals such as seals, sea otters, and porpoises were hunted with harpoons. Dip nets, seines, and line and hook were used for smaller fish (Grant 1978).

Chumash villages were composed of a patrilineal descent group and usually had at least one chief, known as the *wot* or *wocha*, whose position was inherited but was subject to village approval. Chumash dwellings were hemispherical structures constructed by driving pliable wooden poles into the ground, bending them towards the center of the dwelling, and tying them together. The wooden pole frame was then covered with interwoven grass mats. While accompanying the Portola expedition, Father Juan Crespi noted that Chumash dwellings could be up to 50 feet in diameter and hold up to 70 people. Most villages contained one or more sweat houses that were semi subterranean and consisted of a wooden pole frame covered with earth. Additional village structures included store houses and ceremonial enclosures (Grant 1978).

Not much is known of the religion practiced by the Chumash. Father Olbés of the Santa Barbara mission noted a Chumash deity called *sup*, and, although the Chumash had no figures or idols of the deity, they made offerings of seeds and feathers to show their acknowledgement and gratitude for the blessings given them. Additionally, Chumash rock art sites, such as Painted Cave of San Marcos Pass located near the City of Santa Barbara and Burro Flats Painted Cave located in the northwestern portion of the San Fernando Valley, may have represented shrines or sacred areas. Many of the pictographs present at rock art sites consist of geometric figures as well as animal figures and are painted in vibrant colors that may have been painted while under the influence of the hallucinogenic ceremonial drink, toloache, which is associated with the *Chinigchinich* religion of the Gabrielino-Tongva (Grant 1978). The Chumash buried their dead with the body being bound in a flexed position (Kroeber 1925). The graves of prominent individuals were marked with planks containing images or from which the possessions of the deceased were hung.

The Chumash were one of the first native Californian groups met by Juan Rodriguez Cabrillo when he sailed into the Santa Barbara Channel Island region in 1542-43 (Kroeber 1925). The Gaspar de Portola expedition passed through Chumash territory on its way to Monterey Bay in 1769. Between 1772 and 1804, five missions, including Missions San Luis Obispo (1772), San Buenaventura (1782), Santa Barbara (1786), La Purisima Concepcion (1787), and Santa Ynez (1804) were established in Chumash territory. The establishment of the missions fractured the traditional culture of the Chumash, and by 1834, when the missions were secularized, the Chumash population had declined dramatically as a result of European diseases and treatment at the hands of the colonialists (Grant 1978).

## **Identification of Tribal Cultural Resources**

### ***Records Search***

A records search for the Project was conducted by staff through the CCIC on August 5, 2024. The records search included a review of all cultural resources studies and previously recorded cultural resources (archaeological and built environment) within the 17 identified installation sites comprising the nine Priority Areas for the Project. The records search results indicate that a total of 354 studies have been previously conducted within the nine Priority Areas. The results of the records search indicate that a total

of 133 cultural resources are found within the nine Priority Areas. Specifically, a total of 13 resources were found within Canyon Center; four within the Canyon East; nine within Canyon West; seven within Casmalia; three within Center; 25 within Center-East; three within Cuyama/New Cuyama; one within East; one within Garey; seven within Guadalupe; six within Jonata Park W 101; three within Los Alamos; four within Los Olivos E 154; 22 within Promises Ranch; five within River Park; and 10 within Tepusquet Road.

Of the 133 total cultural resources identified in the CCIC records search, 19 resources intersect or are adjacent to the proposed Distribution Fiber Right-of-Way (ROW). The 19 resources include seven precontact sites (CA-SBA-87, -108, -236, -1189, -1490, -2687, and -3500); one historic-period site (P-42-1431); two multicomponent resources (CA-SBA-1976 (adjacent) and -3625); four built environment resources (CA-SBA-3620, P-42-40751, -41219, and -41756); and five historic districts (P-42-40731, -40729, -40733, -3865 and -003804).

Seven precontact sites, one historic-period site, two multicomponent resources, and two historic districts (known as the Anza Trail and Lompoc Oil Field Historic District) intersect or are directly adjacent to the Distribution Fiber ROW. The precontact sites include eligible sites, village sites, and sites known to have evidence of human remains. The majority of these resources are all indicative of precontact habitation and food preparation. These resources could be indicative of larger buried villages or camp sites that could extend with the ROW and be encountered during ground disturbance for these projects.

### ***Sacred Lands File Search***

A Sacred Lands File (SLF) search was requested from the Native American Heritage Commission (NAHC) on July 26, 2024. The SLF search results prepared by the NAHC on August 16, 2024 and they indicated that the SLF results were positive.

### **Native American Consultation**

On June 1, 2024, the SBCAG submitted a notification and request to consult letter to the Santa Ynez Band of Chumash Indians (Tribe) pursuant to AB 52. The Tribe replied via letter on June 14, 2024 requesting formal consultation and asking to contact Cultural Resource Archaeologist Dr. Wendy Teeter to schedule the consultation call (see Appendix H of this Draft PEIR). On August 14, 2024, the SBCAG and Dr. Teeter met to discuss the Project. The Tribe indicated that the Project is culturally sensitive due to the existence of many previously recorded archaeological resources within the Project and requested to be provided with the results of the cultural resources records search conducted by the CCIC. This information was provided to Dr. Teeter for her review. Consultation between SBCAG and the Tribe is still ongoing.

## **4.7.2 Regulatory Setting**

### **State**

#### ***Native American Heritage Commission***

Public Resources Code (PRC) Section 5097.91 established the Native American Heritage Commission (NAHC), the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC

Section 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

### ***Assembly Bill 52 of 2014***

AB 52 expanded CEQA by defining a new resource category, “tribal cultural resources.” AB 52 establishes that “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (Public Resources Code [PRC] Section 21084.2). AB 52 further states when feasible, the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe,” and meets either of the following criteria:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k).
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments and with respect to the interests and roles of project proponents, it is the intent AB 52 to accomplish all of the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in CEQA called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated (because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources).
5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, early in the CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision-making body of the lead agency.
6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.

7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
9. Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified or adopted. AB 52 requires that lead agencies “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed in the jurisdiction of the lead agency.

## Local

### **County of Santa Barbara Cultural Resource Guidelines**

The Santa Barbara County *Environmental Thresholds and Guidelines Manual* (2021) includes Cultural Resources Guidelines, Archaeological Historical, and Ethnic Elements that provide local criteria for determining the significance of archaeological resources. Under County criteria, an “important archaeological resource” can be defined by one of several factors. A resource is considered significant for the purposes of CEQA if it demonstrates one or more of the following:

- Is associated with an event or person of recognized significance in California or American history or recognized scientific importance in prehistory;
- Can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable research questions;
- Has a special or particular quality such as oldest, best example, largest or last surviving example of its kind;
- Is at least 100 years old and possesses substantial stratigraphic integrity; or
- Involves important research questions that historical research has shown can be answered only with archaeological methods.

## 4.7.3 Analysis, Impacts and Mitigation

### **Methodology and Significance Thresholds**

According to Appendix G of the State CEQA Guidelines, an impact on Tribal Cultural Resources from the proposed project would be significant if the following applies:

- 1) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  - b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
- 2) Result in a cumulatively considerable impact to tribal cultural resources.

## Impacts and Mitigation Measures

The following section presents a programmatic-level discussion of the potential for impacts to tribal cultural resources from implementation of the Project. Impacts and associated mitigation measures would apply in Santa Barbara County and all cities within the County.

**Threshold 1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe**

*Impact Statement 1: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource pursuant to PRC section 21074.*

### **Priority Area Projects and Future Broadband Installations**

Due to the high sensitivity, the Project could result in significant impacts to sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe qualifying as tribal cultural resources. Thus, there would be a significant impact to tribal cultural resources. However, implementation of mitigation measures **TCR-1** through **TCR-3** would reduce impacts to less than significant levels. For archaeological resources that could also meet the definition of tribal cultural resources, mitigation measures **CR-2** through **CR-5** (found in Section 4.3, *Cultural Resources*, of this Draft PEIR) would be implemented to further reduce impacts.

## Mitigation Measures

**Mitigation Measure TCR-1:** The implementing agency shall retain a Native American monitor from the Santa Ynez Band of Chumash Indians (Tribe) to carry out all mitigation related to tribal cultural resources as required for each project. Prior to the commencement of ground disturbing activities, a Tribal Cultural Resources Sensitivity Training session shall be held for those construction personnel who will be directly involved in the ground disturbing activities. The training session shall be carried out by the Native American Monitor and shall focus on how to identify tribal cultural resources that may be encountered during ground disturbing activities and the procedures to be followed in such an event.

Within the planned projects there are 10 archaeological sites (which have been determined to be within or directly adjacent to known archaeological sites) and two districts. All 12 sites and districts have been determined to be eligible, potentially eligible, or have not been evaluated. Project planning should include design to avoid these sites whenever possible. When avoidance is not possible, testing and data recovery must be completed in advance of construction by a Qualified Archaeologist identified in Mitigation Measure CR-2. The Tribe shall provide a Native American monitor who shall be present during testing/data recovery, and construction activities

on the projects deemed by the qualified Archaeologist and the consulting tribe to have the potential for encountering archaeological resources, that could be considered tribal cultural resources by the Tribe and under CEQA, such as demolition, excavation of boring entrance and exist pits, clearing/grubbing, drilling/auguring, grading, trenching, excavation, or other ground disturbing activity associated with the project where the ground disturbance can be observed. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Qualified Archaeologist and the Tribe.

**Mitigation Measure TCR-2:** The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the implementing agency upon written request to the Tribe.

**Mitigation Measure TCR-3:** In the event of a discovery of potential tribal cultural resources, the Qualified Archaeologist identified in Mitigation Measure CR-2 [after consultation with the Native American Monitor] shall have the authority to temporarily divert, redirect, or halt ground-disturbance activities to allow identification, evaluation, and potential recovery of such potential resources. After consulting with the Native American Monitor and the implementing agency, the Qualified Archaeologist shall establish an appropriate buffer area in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making an evaluation and potential recovery of the discovery. This buffer area shall be established around the find where ground-disturbing activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Qualified Archaeologist, the Tribe, and the implementing agency to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe and the Qualified Archaeologist, the implementing agency determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, the Qualified Archaeologist shall develop a reasonable and feasible treatment plan, with input from the Tribe as necessary, and with the concurrence of the implementing agency. The treatment measures in the treatment plan shall be in compliance with any applicable federal, State, or local laws, rules or regulations. The treatment plan shall also include measures regarding the curation of the recovered resources.

The lead agency may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in the above paragraphs.

The recovered tribal cultural resources may be placed in the custody of the Tribe, who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Tribe nor an institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

Notwithstanding the above paragraph, any information determined to be confidential in nature by the implementing agency, shall be excluded from submission to the CCIC or the general public under the applicable provisions of the California Public Records Act, Sections 7927.000 and 7929.005.

## Cumulative Impacts

For the purposes of this analysis of cumulative impacts to tribal cultural resources, the geographic area of consideration (i.e., the cumulative impacts study area) consists of the 17 installation sites within the nine Priority Areas, and more specifically the proposed fiber optic conduit alignments, as well as those of future yet-to-be-defined broadband installation sites in the County. This geographic scope of analysis is appropriate for the analysis of tribal cultural resources because the types of resources within this area are similar in nature and origin and share a common heritage.

**Threshold 1: Would the Project when combined with other past, present, or reasonably foreseeable projects, cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:**

- i) **Listed or eligible for listing in the California Register, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k); or**
- ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code § 5024.1(c). In applying the criteria set forth in Public Resources Code § 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe?**

### ***Priority Area Projects and Future Broadband Installations***

As demonstrated above, prior to mitigation, the Project would have a potentially significant impact on tribal cultural resources. This significant impact finding is due to the potential to encounter tribal cultural resources at depth during construction. This potential exists due to the existence of 10 archaeological sites and two districts within the identified Priority Areas. In addition, future yet-to-be-identified broadband projects to be proposed under the Broadband Program would also have the potential to intersect tribal cultural resources during construction. Similarly, as with the Project, each related project would also be required to engage in AB 52 consultation with Native American tribes in order to identify any tribal cultural resources that could potentially be impacted by the related project and to address potentially significant impacts, if identified. The related projects may require mitigation similar to that applicable to the Project, especially if those related projects are in areas of heightened sensitivity similar to the Project Site.

Accordingly, in light of the Project mitigation measures and similar anticipated mitigation requirements for Projects in areas of heightened sensitivity, the Project would not result in a cumulatively considerable contribution to tribal cultural resource impacts with the implementation of Mitigation Measures TCR-MM-1 through TCR-MM-3.

## Mitigation Measure

None required.



## 4.7.4 References

County of Santa Barbara. 2023. Draft Program Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update. Volume I, County EIR No. 23EIR-00004, State Clearinghouse No.2022070490. December 2023.

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