

3.16 TRIBAL CULTURAL RESOURCES

INTRODUCTION

This section evaluates the potential for the proposed Hitch Ranch Specific Plan to impact tribal cultural resources. It also discusses the potential impacts to tribal cultural resources as a result of construction and operation activities associated with the proposed specific plan.

Tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

3.16.1 EXISTING CONDITIONS

3.16.1.1 Ethnographic and Prehistoric Background

Hitch Ranch, lying in southeastern Ventura County, California, is situated in a zone known to have prehistorically comprised a portion of the Canaliño culture area, and historically to have been a part of the Chumash ethnolinguistic sphere. In general, archaeological terms, the region of the Canaliño culture area is known to have first been occupied during the Early Millingstone period, which dates back to approximately 9,000 years before present (B.P.). During this period, subsistence is posited to have emphasized plant resources, and site assemblages are dominated by large-sized and relatively crude chopping, grinding, and pounding tools. Around 3500 years B.P., the prehistoric inhabitants of the region are said to have made a transition to a more hunting-oriented economy, which occurred during the duration of the Intermediate period, lasting to about AD 1200. Artifacts particularly diagnostic of this period include large, stemmed projectile points, which were probably used as spear or dart points, although smaller arrow points were introduced after about AD 500. The Intermediate period was subsequently replaced by the Late Prehistoric, or Canaliño, period which lasted until the time of Spanish missionization during the last two decades of the 18th century. The Canaliño period witnessed a florescence of aboriginal culture, which included a substantial growth in population, the establishment of permanent settlements on the coast, a high degree of sociopolitical complexity, and the development of a very sophisticated maritime economy. It was during the Canaliño period that the ethnolinguistic group

now known as the Chumash achieved levels of cultural and social sophistication perhaps unrivalled by hunter-gatherer groups anywhere else in the world.

The term "Chumash" strictly applies to a group of people united only by the use of a series of closely related Hokan languages, sharing a number of similar cultural traits, and stretching from Topanga Canyon inland to Mt. Piños and along the coast to the San Luis Obispo area. That is, it implies no necessary sociopolitical unity (as in a single tribe) and a series of different Chumash languages and political units existed at the time of Spanish contact. In the southeasternmost region of the Chumash, including the immediate area of Moorpark, Ventureño Chumash was spoken.

Based on recent ethnohistoric reconstructions, the Chumash were united into at least two major chiefdoms at the time of contact with the Spanish, and these crossed linguistic boundaries between the various Chumashan-speaking groups. One of these political bodies, Lulapin, was governed from a village occupied by the paramount chief located near modern Point Mugu, at the mouth of Calleguas Creek. This village controlled a series of smaller villages and village provinces within a large region stretching to the north of Santa Barbara at the time of Spanish contact. One of these "controlled," or subordinate, provinces was Humaliwo, which was governed by the historic village located at modern Malibu Beach. Logically, whatever villages existed historically within the Moorpark/Simi Valley area would have been subordinate to the capital at Point Mugu as well.

While the specific region of the study area must be viewed within this general prehistoric and ethnohistoric context, it is nonetheless true that the reconstruction of Chumash prehistory and ethnohistory has largely been based on coastal evidence. That is, sites and minor regions inland from the coast obviously vary from those on the coastal strip (lacking, for example, access to coastal and maritime resources) and, therefore, exhibit not only some differences in terms of general site characteristics and adaptational trajectories, but in general chronological parameters too.

The region Hitch Ranch is located in is an inland area generally referred to as the Simi Corridor. This comprises part of a series of east-west trending valleys and intervening hill systems lying northward (and therefore inland) of the Santa Monica Mountains and Conejo Corridor. It includes the Simi Valley proper, the Tierra Rejada, Little Simi, and the Santa Rosa Valleys, all of which are tributary to the Calleguas Creek drainage. Although little archaeological research in the Simi Valley area and Simi Corridor has been published, it is probable that the prehistory of this area is similar to that of the adjacent Conejo Corridor, located immediately to the south. A relatively intensive period of research in this last area, resulting largely from development in the Thousand Oaks region and the cultural resources management studies that have been attendant to this development, has provided a thorough indication of the nature of the prehistoric record in this inland region, which appears to be applicable to the Simi Corridor as well.

A series of site complexes have now been identified and studied in the Conejo Corridor region, and it is very probable that some exist in the Simi Corridor region as well. Almost without fail, each of these complexes contains deposits or components that represent the entire temporal span of inland occupation. As well, there is no clear functional or adaptational differentiation between earlier versus later temporal components of these complexes. That is, even while there is a general tendency towards more complexity in the nature and variability of the tool assemblages towards the present, it is now clear that even some of the earlier temporal components in the region exhibit subsistence. From the initial occupation of this inland region, a much generalized foraging strategy was followed—not necessarily by every site complex in the area, but certainly by the inland occupation when considered as a whole.

Thus, in the Conejo Corridor not only do early occupations exhibiting artifact assemblages occur that resemble more typically 'later' assemblages, which heavily emphasized hunting and hunting tools, but they also resemble late sites that appear like temporally 'earlier' sites, with a dominance of groundstone tools and chopping implements. The establishment of inland sites some 3,500 years ago in the Conejo Corridor appears to represent an effort to exploit a variety of noncoastal environments by following a number of subsistence strategies. This point of initial exploitation and occupation may correlate with a shift to the modern climatic regime, which also appears to occur at this time. Further, it is clear that no single subsistence strategy uniquely characterized any specific time period; instead, a generalized foraging pattern appears to have held for the entirety of the prehistoric occupation of the area.

3.16.1.2 Native American Coordination

To ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that may be affected by implementation of the Proposed Project are addressed, the City of Moorpark provided formal notification to applicable Native American Governments pursuant to Assembly Bill 52 (AB 52).

A consultation meeting took place via telephone on Thursday, June 25, 2020, which included Jairo F. Avila, M.A., RPA., Tribal Historic and Cultural Preservation Officer of the Fernandeño Tataviam Band of Mission Indians, Mr. Douglas Spondello, AICP, Planning Manager for the City of Moorpark, and Dana DePietro, PhD, RPA, Associate Director, Cultural Resources for First Carbon Solutions.

3.16.1.3 Archaeological Resources

As discussed in **Section 3.4, Cultural Resources**, a Phase I archaeological survey conducted within the boundaries of the entire specific plan area concluded that there is no presence of prehistoric or historic cultural resources on the property. Accordingly, the lack of prehistoric archaeological remains can be presumed to correlate with the relatively dry conditions within the study area, the apparent low density

of prehistoric archaeological sites in the Moorpark region, and the tendency for such sites to cluster tightly around permanent water sources.

On February 26, 2020, FirstCarbon Solutions (FCS) conducted an updated cultural resources records search and literature review for the Hitch Ranch Specific Plan to supplement the earlier cultural resources assessment was completed by W&S Consultants in 2003. This included an updated records search conducted at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton for the project area and a 0.50-mile radius beyond the project boundaries. The results of the records search indicate that six resources have been recorded within 0.5 mile of the project area; none of which are located within the project area. In addition, 44 area-specific survey reports are on file with the SCCIC for the project area and its 0.50-mile search radius, 11 survey reports (S-00607, S-02852, S-02847, S-01656, S- 02386, S-02741, S-02890, S-02390, S-03263, S-01329, S-02314) are completely or partially within the project area indicating that the immediate area has previously been surveyed for cultural resources. **Table 3.16-1, Archaeological Cultural Resources with a 0.5 Mile Radius**, summarizes previously recorded archaeological cultural resources within a 0.5-mile search radius of the Proposed Project site.

Table 3.16-1
Archaeological Cultural Resources within a 0.5 Mile Radius

Resource No.	Resource Description	Date Recorded
P-56-001503	CA-VEN-001503: VAM-1 AP02 (Lithic scatter)	2014
P-56-001574	CA-VEN-001574: SunCal 1 AP02 (Lithic scatter)	1998, 2014
P-56-100196	SCE MN-1 AP02 (Lithic scatter), AP15 (Habitation debris)	2007, 2008

Source: SCCIC Records Search, February 26, 2020.

Based on the records search and survey, it is evident that the property was peripheral to the prehistoric and historic habitation and use of the Moorpark region. However, given the prehistoric and historic setting of the general vicinity of the specific plan area, there is a possibility that some tribal cultural resources may be present on the site.

3.16.2 REGULATORY FRAMEWORK

3.16.2.1 Federal

Archaeological Resources Protection Act

United States Code, Title 16, Sections 470aa-mm. The Archaeological Resources Protection Act became law on October 31, 1979, and has been amended four times. It regulates the protection of archaeological resources and sites that are on federal and Indian lands.

Native American Graves Protection Act

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants and culturally affiliated Indian tribes.

National Register of Historic Places

The National Register of Historic Places (NRHP) is authorized by National Historic Preservation Act of 1966. It is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering, and culture. The NRHP recognizes resources of local, state, and national significance that have been documented and evaluated according to uniform standards and criteria.

The NRHP includes districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture. The NRHP is administered by the National Park Service and currently consists of more than 76,000 listings, including all historic areas in the National Park System, over 2,300 National Historic Landmarks, and properties that have been listed because they are significant to the nation, a state, or a community.

Properties are nominated to the NRHP by the State Historic Preservation Officer (SHPO) of the state in which the property is located, by the Federal Preservation Officer for properties under federal ownership or control, or by the Tribal Historic Preservation Officer if a property is on tribal lands.

Any individual or group may prepare a NRHP nomination. Thorough documentation of physical appearance and historic significance of the property is required. In California, completed nominations are submitted to the Office of Historic Preservation for review. It is then submitted to the State Historical Resources Commission, who determines whether or not the property meets criteria for evaluation and

recommends approval or disapproval to the SHPO. Nominations approved by the SHPO are forwarded for consideration to the Keeper of the National Register at the National Park Service in Washington, D.C.

During the time the proposed nomination is reviewed by the SHPO, property owners and local officials are notified of the intent to nominate. Local officials and property owners are given the opportunity to comment on the nomination, and owners of private property are given an opportunity to object to or concur with the nomination. If the owner of a private property or the majority of owners objects to the nomination, the SHPO may forward the nomination to the National Park Service for a determination of eligibility only.

3.16.2.2 State Laws and Regulations

Senate Bill 18

Senate Bill (SB) 18 (*Government Code*, Section 65352.3) incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to tribes listed on the Native American Heritage Commission's SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the *Public Resources Code* that may be affected by the proposed adoption or amendment to a general or specific plan.

Assembly Bill 52

AB 52, which was approved in September 2014 and became effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. A provision of the bill, chaptered in CEQA Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a Tribal Cultural Resource (TCR) is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the CRHR; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

- a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe(s) pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource. As described above, the County is consulting with two tribes regarding the project’s impacts to TCRs, and appropriate mitigation, if any, for those impacts.

3.16.2.3 Local Plans and Policies

The following goals and policies of the *City of Moorpark General Plan Land Use Element* are applicable to the proposed Hitch Ranch Specific Plan project.

Goal 15: Maintain a high quality environment that contributes to and enhances the quality of life and protects public health, safety, and welfare.

Policy 15.3: Natural and cultural resources having significant educational, scientific, scenic, recreational, or social value shall be protected and preserved.

3.16.3 THRESHOLDS OF SIGNIFICANCE

The following thresholds for determining the significance of impacts related to tribal cultural resources are contained in the environmental checklist form contained in Appendix G of the most recent update of the *CEQA Guidelines*. Impacts related to cultural resources are considered significant if the project would:

- 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:
 - 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
 - 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.

3.16.4 PROJECT IMPACTS

Impact TCR-1 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.**

Less than Significant with Mitigation

Approximately 198.77 acres (71.7 percent) of the Project site would be graded under of implementation of the proposed specific for the construction of roadways and building foundations, and trenching for utilities and storm drains. This activity may affect undiscovered tribal cultural resources in the site, should there be any.

As noted above in **Section 3.16.1.3**, there are three archaeological sites that are prehistoric in nature within 0.5 mile of the project area. The resources P-56-001503, P-56-001574, and P-56-100196 consist of three lithic scatters and a habitation site, potentially consisting of middens, house-floors, and/or burials. While none of the sites are located within or in close proximity to the Project site boundary, their presence in the vicinity indicates a higher potential for undiscovered buried archaeological deposits within the project area. Two survey reports encompassing the entire project area (S-01329 and S-02314) are previous studies completed by W&S Consultants in 1994 and 2003. The results of both surveys were negative for historic or prehistoric resources; however, the report mentions that there appears to be a reasonable possibility that some historical remains may be present within the central portion of the study area.

Mitigation Measure CUL-1, would apply to tribal cultural resources should they be discovered during ground disturbing activities. **Mitigation Measure CUL-2** would apply in the case that human remains are discovered during ground disturbing activities, which could be a tribal cultural resource. Furthermore, the City of Moorpark provided formal notification to applicable Native American Governments pursuant to AB 52 (refer to **Appendix 3.16.A** and **B**), of which the City has received one response from a member of the Fernandeno Tataviam Band of Mission Indians. This process, along with **Mitigation Measures CUL-1 and CUL-2**, would reduce impacts to a less than significant level.

3.15.5 CUMULATIVE IMPACTS

Impacts upon tribal cultural resources tend to be site specific and are assessed on a site-by-site basis. Where such resources exist, buildout of the Project site together with other development in the City and region would result in an incremental adverse impact to tribal cultural resources. In this case, the cumulative impact would be to unknown tribal cultural resources. However, provided that proper mitigation, as defined by *State CEQA Guidelines* Section 15126.4(b), is implemented in conjunction with cumulative development in the area, no significant cumulative impacts are anticipated.

3.16.6 MITIGATION PROGRAM

3.16.6.1 Mitigation Measures

CUL-1: Due to the potential that archeological resources may be present on the Project site, the City of Moorpark shall require a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American artifacts. Construction personnel associated with earth moving equipment, drilling, grading, and excavating, shall be provided with basic training conducted by a qualified archaeologist, to be retained and compensated by the development team, with the approval of the City of Moorpark. Issues that shall be included in the basic training will be geared toward training the applicable construction crews in the identification of archaeological deposits, further described below. Training will include written notification of the restrictions regarding disturbance and/or removal of any portion of archaeological deposits and the procedures to follow should a resource be identified. The construction contractor, or its designee, shall be responsible for implementation of this measure. A Native American monitor shall be provided an opportunity to attend the pre-construction briefing if requested.

A Native American monitor from a consulting Tribe under AB 52 monitor and a qualified archeologist, to be compensated by the development team, shall be available on an “on-call” basis during ground disturbing construction in native soil to review, identify and evaluate cultural resources that may be inadvertently exposed during construction.

If archaeological remains or tribal cultural resources are uncovered, all construction activities within a 100-foot radius shall be halted immediately until a qualified archaeologist, in consultation with the Native American monitor, shall evaluate whether the resource requires further study. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If any previously undiscovered resources are found during construction the City of Moorpark Community Development Department shall be contacted, and the resource shall be evaluated for significance in terms of CEQA criteria by a qualified archaeologist. Prehistoric archaeological site indicators include but are not limited to: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone

and shell remains, and fire-affected stones. Historic period site indicators generally include but are not limited to: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps). If City and the qualified archaeologist determine the resource to be significant under CEQA, they shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. Contingency funding and a time allotment sufficient for recovering an archeological sample or to employ an avoidance measure may be required. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a formal Archaeological Monitoring Plan (AMP) which will include a research design and archaeological data recovery plan for the resource. Development and implementation of the AMP will be determined by the City of Moorpark and treatment of any significant cultural resources shall be undertaken with the approval of the project applicant, and the City. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System [CHRIS]), and provide for the permanent curation of the recovered materials. The City of Moorpark and/or development team shall, in good faith, consult with the Fernandño Tataviam Band of Mission Indians and consulting Tribes on the disposition and treatment of any recovered materials. A Monitoring Closure Report shall be filed with the City of Moorpark at the conclusion of ground disturbing construction if archaeological resources were encountered and/or recovered. After the find has been appropriately mitigated (as defined by State CEQA Guidelines Section 15126.4(b)), work in the area may resume.

Timing/Implementation: During ground disturbing activities

Enforcement/Monitoring: City of Moorpark Community Development Department, and the development team retained qualified archaeologist

CUL-2: If human remains or funerary objects are unearthed during any activities associated with the project, *State Health and Safety Code* Section 7050.5 requires that no further disturbance shall occur within a 100-foot buffer of the find until the County coroner has made the necessary findings as to origin and disposition pursuant to *Public Resources Code* Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC), the Fernandño Tataviam Band of Mission Indians, and consulting Tribes. The NAHC will then contact

the deceased Native American's most likely descendant, who will then serve as consultant on how to proceed with the remains (i.e., avoid, reburial).

Timing/Implementation: During ground disturbing activities

Enforcement/Monitoring: City of Moorpark Community Development Department, and the development team retained qualified archaeologist

3.16.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The development of the Hitch Ranch Specific Plan project would have less than significant impacts related to Tribal Cultural Resources with implementation of the mitigation program.