

3.4 CULTURAL RESOURCES

INTRODUCTION

This section presents an overview of the existing cultural resource conditions within the boundaries of the proposed Hitch Ranch Specific Plan site. It also discusses the potential impacts to cultural resources as a result of construction and operation activities associated with the proposed Specific Plan.

3.4.1 EXISTING CONDITIONS

3.4.1.1 Data Resources

In 2003, a Phase I archaeological survey (conducted by W & S Consultants) and a historical and archival records search (conducted by the UCLA Archaeological Information Center) was conducted. Aerial photographs, previous reports, and historical and archaeological maps of the specific plan area were also used. The purpose of the archaeological survey was to provide a background review of pertinent research and to determine if any known archaeological sites were present in the specific plan area. The historical records search was conducted to determine whether any cultural resources listed in or eligible for listing in the National Register of Historic Places or other inventory of architectural historic resources were located within the study area of potential effects.

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 completed by W&S Consultants in 2003. Based on the age of the previous report and comments received from the City of Moorpark and a third-party reviewer, it was determined that an updated records search and literature review would be sufficient to bring the report up-to-date and in compliance with California Environmental Quality Act (CEQA) Guidelines.

The Phase I archaeological survey/cultural resources assessment and the historical and archaeological records search are available in **Appendix 3.4**.

3.4.1.2 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 in Hitch Ranch is located 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 3500 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.

3.4.1.3 Historical Background

The Moorpark region, including the Hitch Ranch study area, was originally part of El Rancho Simi land grant (or, more properly, San José de Nuestra Señora de Altagracia y Simi), which was ceded by the Spanish crown to the Santiago de la Cruz Pico family in 1795 and headquartered at the Simi Adobe (at modern Strathearn Historical Park). Although now in Ventura County, El Rancho Simi was placed under

the ecclesiastical jurisdiction of Mission San Fernando, thus indicating that its original economic and social ties lay to the east, not the west.

Rancho Simi was evidently a successful enterprise until 1842, at which point it was purchased by Don José de la Guerra y Noriega, who added it to his substantial holdings that were said to stretch from Santa Barbara to San Diego. In 1862 the 113,000-acre parcel was ceded to Mr. Guerra by the US Land Commission following the war with Mexico, and the property was patented on June 19, 1865. Subsequently, the rancho in general served principally for sheep grazing until purchased by eastern investors involved in oil speculation. Because they failed to find oil, the Simi Land and Water Company was formed under the leadership of Thomas R. Bard (representing Thomas Scott of Pennsylvania) in 1887, and an effort was made to sell the land in parcels. In 1889, Robert Strathearn purchased 18,000 acres of Rancho Simi, including the eastern portion of what is now Moorpark. During the existence of the original Rancho Simi, however, it is apparent that the study area was a marginal zone (in fact, near the western boundary of the ranch) and did not figure in any historical incidents or developments.

The City of Moorpark portion of Rancho Simi, including Hitch Ranch, formed a portion of the Rancho Simi retained by the Simi Land and Water Company, of which Robert Poindexter was a major shareholder and member of the board of directors.

During the 1850s and 1860s, however, the first settlers moved into the Moorpark region and settled on land peripheral to what would be the Strathearn Ranch. Whether these individuals were squatters or not is unclear from existing records, although it is likely. Regardless, there is essentially no record of their activities and occupation of the area.

The first subdivision of Moorpark was known as Fremont or Fremontville (also sometimes referred to as Little Simi), named after General Fremont, who was said to have passed through the area on the way to the Battle of Cahuenga Pass. Fremont was recorded in 1893 by Robert and Madeline Poindexter, presumably representing the Simi Land and Water Company. Although the map of Fremont shows the town area divided into lots of various sizes, there is essentially no indication that any of these were sold and/or occupied.

For reasons related to the reorganization of the Simi Land and Water Company, Fremont was subdivided and recorded again in 1900. The Poindexters were again responsible for this subdivision, as well as for laying out the new township, which included the planting of the California Pepper trees along High Street and the establishment of a school site, in anticipation of the railroad, work for which began in 1899. Mr. Poindexter was also apparently responsible for naming the town Moorpark after a variety of apricot that was then being cultivated in the area.

3.4.1.4 Architectural Historical Resources

Background research indicates that by 1905, a rail depot, warehouse, post office, blacksmith shop, general store, barber shop, a school, and a church had been established in the unincorporated town of Moorpark. By 1920, the town had established itself as the apricot center of Ventura County.

Examination of the Piru (1921 and 1941) 15-minute series historical map indicates the specific plan area was partially developed in 1921 with unimproved and loose surface roads, few structures, and the Southern Pacific Railroad. By 1941, there were orchards and State Routes 23 and 118. A small street grid pattern associated with the City of Moorpark was present at that time.

According to the original subdivision map of Moorpark, the central portion of the current study area was owned by E. J. Whitney in 1900, while the Gabbert Ranch had been established to the west of the property at about the same time. However, this map does not indicate whether structures were placed within the property, and subsequent maps record no buildings or roads on the property in 1921 and 1942. Accordingly, our best interpretation is that the Hitch Ranch area was peripheral to the historical events in the development of Moorpark, although it may have been used for farming and/or grazing as early as 1900. However, it is possible that a homestead was present on the property around the turn of the century, and that it had been destroyed prior to the 1921 map, or simply omitted from it. That is, the background historical studies suggest that historical resources might be present within the Hitch Ranch area.

Prior to the October 2003 fire, there were vacant farming operations on a hilltop in the center of the Project site consisting of a dilapidated wooden barn, two sheds, and rusting equipment. Remains of a burned single-family residence and accessory buildings were found next to the western terminus of Casey Road at the eastern site boundary. All structures were destroyed, and none remain on the Project site as a result of the fire.

On February 26, 2020, an updated records search was 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 3.4-1, Historical Cultural Resources within a**

0.5 Mile Radius, summarizes previously recorded cultural resources within a 0.5-mile search radius of the Proposed Project.

**Table 3.4-1
Historical Cultural Resources within a 0.5 Mile Radius**

Resource No.	Resource Description	Date Recorded
P-56-152817	Tanner Corner HP06 (1-3 story commercial building)	2000
P-56-153133	Fire Station No. 42 HP09 (Public utility building)	2015
P-56-153134	798 Moorpark Avenue HP06 (1-3 story commercial building)	2015

Source: SCCIC Records Search, February 26, 2020.

While not located on the Project site, the one-story commercial structure known as the Tanner Corner building, located at the northwest corner of Moorpark Avenue at High Street, is considered a valued historic resource in the City of Moorpark. The property is associated with Ira G. Tanner who lived and worked in Moorpark for over 50 years. Initially, Tanner came to Moorpark to be an automotive mechanic, but ultimately became the town's first fire chief, building and housing the equipment at his place of business (then known as Mission Garage), and organizing the squad. Mr. Tanner was a member of the Board of Trustees of the school district at the time of construction of Moorpark's first high school. He was also an active member of the Methodist Church and a trustee at the time of construction of the new church. Mr. Tanner was also manager of the local water district, retiring in 1952 after eighteen years of service in that capacity and twelve years prior experience as a member of the board of supervisors.

The Tanner Corner building was originally constructed in 1900 by a blacksmith as a barn with post and beam construction resting on a sill formed from railroad ties. The 2x6 beams were butted together and reinforced with a 1x6 beam five feet long attached to either side to secure the joint. As the building was first used by a blacksmith it probably had a dirt floor. The exterior walls were originally lumber. In 1913 Tanner acquired and improved the building with a buff-colored brick façade, an unusual color for that time period, which included parapet walls to hide the actual roof line. The property served as a gas station and automotive repair business, known as Mission Garage. The squared-off corner of the building sits at the southwest corner of High Street and Moorpark Avenue. The main entry is located in that angled wall. The entry is framed in a distinctive manner. The roof that was originally covered with shakes was reinforced in recent years with right angle trusses resting on the beams as an earthquake

safety precaution. The roof was at one time covered with metal sheeting, but recently has been redone with plywood underlayment, 30-pound felt, and roofing shingles.¹

The Tanner Corner building was accepted for listing into the California Register of Historic Resources on November 3, 2000; because it is listed in the California Register, Tanner Corner is a historical resource as defined by CEQA. The State Historical Resources Commission found the building significant under Criteria 1, 2 and 3, for the period 1913-1953, because of its association with the events and patterns of development of Moorpark, it being one of three original commercial buildings from the early days of Moorpark, and it being the only one remaining from that time period; secondly, its association with a significant person in the development of that community; thirdly, because of its distinctive architectural characteristics as seen in the skilled masonry that have made it a local landmark; and finally, because of its high degree of integrity. This building has served as the community's first garage and first fire station, has housed the Water Department and the Justice Department, and was used as a temporary morgue when the St. Francis Dam broke in 1928. The period of historical significance is 1913 to 1953, although the building continues to be used as a commercial space. The Proposed Project would not impact the Tanner Corner building as all proposed roadway widening to High Street adjacent to the building will occur on the south side of the High Street, on City of Moorpark-owned property.

3.4.1.5 Archaeological Resources

The 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, an updated records search was 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 3.4-2, Archaeological Cultural Resources**

¹ Tanner Corner, 601 Moorpark Avenue, Character Defining Features Report, GPA Consulting, October 2014.

with a 0.5 Mile Radius, summarizes previously recorded archaeological cultural resources within a 0.5-mile search radius of the Proposed Project.

Table 3.4-2
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 historical remains may be present on the site.

3.4.2 REGULATORY FRAMEWORK

Cultural resources are regulated at the federal, state, and local levels as discussed below.

3.4.2.1 Federal

National Historic Preservation Act, Section 106

The National Historic Preservation Act (NHPA) establishes the National Register of Historic Places (NRHP), and defines federal criteria for determining the historical significance of archaeological sites, historic buildings and other resources. To be determined eligible for the NRHP, a potential historic property must meet one of four historical significance criteria (listed below), and also must possess sufficient deposition, architectural, or historic integrity to retain the ability to convey the resource's historic significance. Resources determined to meet these criteria are eligible for listing in the NRHP and are termed historic properties. A resource may be eligible at the local, state, or national level of significance.

Properties are eligible for the NRHP if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and they:

- A. are associated with events that have made a significant contribution to the broad patterns of our history;
- B. are associated with the lives of a person or persons of significance in our past;
- C. embody the distinctive characteristics of a type, period or method of construction, or represent the work of a master, or possess high artistic value, or represent a significant and distinguishable entity whose components may lack individual distinction; or,
- D. have yielded or may be likely to yield information important in prehistory or history.

These factors are known as “Criteria A, B, C, and D.”

A resource that lacks integrity or does not meet one of the NRHP criteria of eligibility is not considered a historic property under federal law, and effects to such a resource are not considered significant under the NHPA. Archaeological sites are generally evaluated under Criterion D, which concerns the potential to yield information important in prehistory or history.

3.4.2.2 State Laws and Regulations

California Environmental Quality Act

Under CEQA, public agencies must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to California Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on “unique archaeological resources.”

“Historical resource” is a term of art with a defined statutory meaning (see PRC 21084.1 and State CEQA Guidelines Sections 15064.5(a) and 15064.5(b)). The term embraces any resource listed in or determined to be eligible for listing in the California Register of Historic Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be “historical resources” for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 5024.1 and 14 CCR 4850). Unless a resource

listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC 21084.1 and State CEQA Guidelines Section 15064.5(a)(3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- A. Is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California; and
- B. Meets any of the following criteria:
 - 1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - 2. Is associated with the lives of persons important in our past;
 - 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
 - 4. Has yielded, or may be likely to yield, information important in prehistory or history (*State CEQA Guidelines* Section 15064.5(a)(3)).

These factors are known as "Criteria 1, 2, 3, and 4" and parallel Criteria A, B, C, and D under the NHPA (discussed earlier). The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and State CEQA Guidelines Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and "unique archaeological resources." Under CEQA, an archaeological resource is considered "unique" if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;

- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures should be considered. A “substantial adverse change” in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (*State CEQA Guidelines* Section 15064.5(b)(1)).

The *State CEQA Guidelines* (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2.

State CEQA Guidelines Section 15126.4(b) sets forth principles relevant to means of mitigating impacts on historical resources. It provides as follows:

- Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.
- In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.
- Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:
 - Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context.

Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

- Preservation in place may be accomplished by, but is not limited to, the following:
 - Planning construction to avoid archaeological sites;
 - Incorporation of sites within parks, greenspace, or other open space;
 - Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; and,
 - Deeding the site into a permanent conservation easement.
- When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.
- Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

Section 15064.5(f) deals with potential discoveries of cultural resources during project construction. That provision states that, “[a]s part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

State CEQA Guidelines Section 15064.5(e), requires that excavation activities be stopped whenever human remains are uncovered, and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the NAHC must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as identified in a timely manner by the NAHC. Section 15064.5 of the *State CEQA Guidelines* directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Senate Bill 18

Senate Bill (SB) 18 requires cities and counties to contact, and consult with California Native American tribes prior to making land use decisions. The bill requires local governments to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of general plans (defined in Government Code §65300 et seq.). For projects proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission (NAHC) for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.995 of the Public Resources Code that are located within the city or county's jurisdiction.

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government.

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 TRCs 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.

3.4.2.3 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.

3.4.3 THRESHOLDS OF SIGNIFICANCE

The following thresholds for determining the significance of impacts related to cultural resources, including historical 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 historical resource pursuant to Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Disturb any human remains, including those interred outside of dedicated cemeteries.

3.4.4 PROJECT IMPACTS

Impact CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

No Impact

On February 26, 2020, an updated cultural resources records search was conducted for the project area at the SCCIC located at California State University, Fullerton. The records search radius was expanded to a 0.50-mile radius beyond the project boundaries, as is now standard practice for CEQA compliant cultural resources assessments. The current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Historical Resources Inventory (HRI) for Ventura County were also reviewed to determine the existence of previously documented local historical resources.

The updated records search indicated that six resources, three of which are considered historic, as opposed to archaeological cultural resources, have been recorded within 0.5 mile of the project area. One of these resources, the Tanner Corner building, is located at the northwest corner of Moorpark Avenue at High Street, discussed in detail above in section 3.4.1.4.

As discussed in the Project Description, the Proposed Project would include extending High Street through the Project site from Moorpark Avenue on the east, to Gabbert Road on the west. The High Street extension would be built as a two-lane collector roadway generally running parallel to Poindexter

Avenue, north of the Union Pacific Railroad right-of-way. This extension will provide direct access to the future Moorpark Civic Center and historic High Street east of Moorpark Avenue.

This extension would not impact the Tanner Corner building as no changes/improvements to the intersection of Moorpark Avenue and High Street would be undertaken as part of the Proposed Project.

As none of the historical resources, including Tanner Corner, identified in the search are located within the Project site and would not be affected by implementation of the Project, the Proposed Project would have no impact on historic resources.

Impact CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Less than Significant with Mitigation

Approximately 198.77 acres (78 percent) of the Project site would be graded under of implementation of the proposed specific plan for the construction of roadways and building foundations, and trenching for utilities and storm drains. This activity may affect cultural resources in the site, should there be any.

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.

Based on the results of the updated records search and literature review, the potential for the Proposed Project to have an adverse effect on historic or prehistoric cultural resources is considered to be moderate. There is a possibility that cultural resources may be present within the boundaries of the Specific Plan which could be discovered during ground disturbing activities. However, **Mitigation Measure CUL-1** would reduce impacts associated with accidental discovery of prehistoric or historic archaeological resources to a less than significant level.

Impact CUL-3 Disturb any human remains, including those interred outside of dedicated cemeteries.

Less than Significant with Mitigation

There is always the possibility that ground-disturbing activities during construction may uncover previously unknown buried human remains. In the event of an accidental discovery or recognition of any human remains, Public Resource Code Section 5097.98 must be followed. In this instance, once

project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the project area in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;
 - The descendent identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Mitigation Measure CUL-2 would ensure compliance with regulations related to accidental discovery of human remains are discovered. Along with compliance with Public Resource Code Section 5097.98, mitigation measures would reduce impacts to a less than significant level.

3.4.5 CUMULATIVE IMPACTS

Impacts upon 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 cultural resources. In this case, the cumulative impact would be to unknown prehistoric and historic archaeological resources, and paleontological 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.

3.4.6 MITIGATION PROGRAM

3.4.6.1 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 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 Fernandeano 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 construction 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 Fernandeano 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 construction activities

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

3.4.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of recommended mitigation measures would reduce the potential direct project-specific impacts to archaeological resources, Native American artifacts, and previously unknown buried human remains to a less than significant level.