

4.5 CULTURAL, TRIBAL
CULTURAL AND
PALEONTOLOGICAL

SECTION 4.0

4.5 CULTURAL, TRIBAL CULTURAL, AND PALEONTOLOGICAL RESOURCES

This Draft Environmental Impact Report (Draft EIR) analysis section considers the potential for the North Canyon Ranch residential project and the Required Island Annexations (together forming the whole project for purposes of this Draft EIR) to result in impacts to cultural, tribal cultural, and paleontological resources and identifies opportunities to avoid, reduce, or otherwise mitigate potential significant impacts where warranted.

This section describes the existing conditions at the proposed project site and surrounding area, summarizes the applicable regulatory framework that guides the decision-making process, identifies thresholds for determining if the proposed project would result in significant impacts, analyzes anticipated impacts (direct, indirect, and cumulative), provides mitigation measures to reduce impacts, and discusses residual impacts (i.e., level of significance after mitigation). The significance of project impacts was determined in accordance with Appendix G of the California Environmental Quality Act (CEQA) Guidelines, and additional regulatory agency requirements, where they apply. Sources used in the analysis are cited herein where relevant to the analysis; a comprehensive list of references is provided Section 7.0, Organizations and Persons Consulted and References, of this Draft EIR. This evaluation is based on multiple evaluations of the project site over the years, providing a robust database of information, including the following technical reports that are provided in **Appendix E, Cultural, Tribal Cultural, and Paleontological Resources**:

- Cultural Resources Reconnaissance of the Unocal Property, prepared June 1999 by RMW Paleo Associates, Incorporated (RMW Cultural Report).
- Paleontological and Archaeological Assessment Report for North Canyon Ranch, prepared August 2007 by Cogstone Resource Management Inc. (Cogstone Cultural Report).
- Cultural Resources Phase I Survey, prepared October 2017 by Envicom Corporation (Envicom) (Envicom Cultural Report).¹

Letters and emails sent and received in response to the City's most recent Native American Tribal consultation outreach effort for this Draft EIR are on file with the City of Simi Valley Planning Division. The letters and emails are from the following tribes: Coastal Band of the Chumash Nation, the Fernandeño Tataviam Band of Mission Indians, and the Santa Ynez Band of Chumash Indians.

The scope of the RMW Cultural Report was to provide a former landowner, Unocal, with planning data relative to the cultural resources existing on a large 2,800-acre study area within Simi Valley that includes the 160.2-acre project site. The RMW Cultural Report found 34 prehistoric sites, historic sites, and isolated finds. All sites were outside of the proposed project boundaries. As noted in the RMW Cultural Report, the purpose of the report was to provide general statements regarding probable site data potential and probable impacts for planning purposes only that may change as new data becomes available. Therefore, the following section relies on the findings of the project-specific Cogstone Cultural Report and Envicom Cultural Report of the North Canyon Ranch project site.

4.5.1 Existing Conditions

The following environmental setting establishes existing conditions at the project site and surrounding area. The environmental setting describes the existing physical conditions on the 160.2-acre project site (subject

¹ As no activities have occurred on the North Canyon Ranch site, no further site investigations have been conducted or deemed warranted. See analysis below for monitoring requirements during ground-disturbing activities.

property) and in the vicinity of the project site. These existing conditions establish the baseline against which project impacts are analyzed later in this section.

Environmental Setting

North Canyon Ranch

The environmental setting of the project site is the foothills of Big Mountain, south of the Santa Susana Mountain range within the City of Simi Valley (City). The Simi Valley area is a portion of the Pacific Plate within the California Geomorphic Province known as the Transverse Ranges, an east-west trending set of steep mountain ranges and valleys. The Transverse Ranges are oblique to the predominant north-west trend of coastal California mountain ranges, hence the name “Transverse.” Several low mountain ranges define the geographic extent of Simi Valley, namely the Simi Hills to the south, Big Mountain to the north, and the Santa Susana Mountains to the northeast and east. These mountain ranges separate Simi Valley geographically from the nearby San Fernando Valley accessed through the Santa Susanna Pass to the east, the Conejo Valley to the southwest, and the City of Moorpark and Santa Rosa Valley to the west. The original topography of the environmental setting consisted of rugged, rolling foothills with steep hillsides and smaller canyons. The existing condition of much of the lowermost foothills is presently developed with urban uses.

The Arroyo Simi to the south is the primary source of local surface water which drains into Calleguas Creek and the Pacific Ocean near Point Mugu. Many seasonal drains flow from the hillsides into Arroyo Simi, creating a series of canyons and ravines throughout the foothills. The Simi Valley area has always had a semi-arid landscape, covered by sparse vegetation dominated by perennial grasses, sage, buck weed, and yucca. Oaks and cottonwoods are located in valley areas that contain more moisture, but the majority of the hillsides are dominated by perennial grasses and short shrubs. Today, the subject property has extensive remnants of the original native landscape, with existing residential and commercial development completely abutting the property to the south and east.

The project site consists of four south-draining canyons with intervening ridgelines trending north-northwest. In the southern reaches of the site, these canyons merge into two primary south-flowing ephemeral drainages with previously constructed debris and detention basins at the southern boundary of the project site built during development of the Simi Valley Town Center project to the south. The project area is vegetated primarily by introduced grasses and herbs, with native shrubs along the drainages. The following introduces the historic, archaeological, and paleontological setting of the project site and surroundings, three types of cultural resources considered under CEQA.

Historic Setting

As noted in the Cogstone Cultural Report, the project area lies in the southern portion of the former Rancho San Jose de Simi, a land grant issue to the Pico Family in 1795 of 113,000 acres. In 1842, Jose de la Guerra, a Captain of the Santa Barbara Presidio purchased the ranch to raise cattle. By the mid 1860s, most of the ranch belonged to American speculators and was used for ranching of cattle and sheep. Settlement of the valley began in the late 1880s. Eventually four small settlements were established along the valley, including Simiopolis, later shortened to Simi. A railroad depot built east of Simi Valley rapidly became a center for expanding agriculture.

Archaeological Setting

The project area was the traditional territory of peoples of the tribe now known as the Chumash. The Chumash were based along the coast from Morro Bay to Malibu but also inhabited inland areas. Three

villages are known within the Simi Valley area, including Ta'apu at Tapo Canyon, which was the largest in the Valley, as well as Shimiya, precursor of the City, and Kimishax, precursor of the City of Moorpark.

During prehistoric periods, the project area would have provided a number of animal and plant resources for Native Americans to eat. The major plant resources were acorns from a number of oak tree species, chia, buckwheat, black sage, cattails, basket grass, and yucca. Deer can still be found in the area, and in the past, pronghorn, cougars, and black bear would have been present, as well as foxes and smaller predators. Numerous rabbits, squirrels, and other small mammals can still be found in the region, as can a number of reptile and bird species. Freshwater fish would have been available in sag and fault ponds and springs, which also would have attracted migrant birds to the general region.²

Cogstone's records search for known archaeological and historical resources in the vicinity of the project site determined that 39 previous archaeological studies have been performed on sites within 1.0 mile of the project site. The results of the records search indicated there are no recorded sites within the project boundaries. There are 36 prehistoric sites and 6 prehistoric isolates within a one-mile radius of the project. The known prehistoric resources are mostly small quarries or lithic scatters. None are identified as villages or other major features.

Paleontological Setting

Simi Valley is complex geologically, mainly due to extensive faulting and uplift of the original marine layers. Sedimentary rock is common, with many sandstone layers that contain fossils from marine contexts. The geologic units present on the project site include (from oldest to youngest materials) the Tertiary Sespe Formation, Quaternary older alluvial fan deposits (outside of the proposed development footprint), and Quaternary alluvium.

The Sespe Formation is the primary rock unit comprising most of the subject property. The Sespe Formation is a non-marine sandstone rock unit of roughly 25 to 45-million years in age³ named for Sespe Creek north of Fillmore, CA. In Brea Canyon, at a location approximately 1.25 miles west of the project site, the Sespe Formation is estimated to be approximately 7,470 feet thick. Sespe Formation materials have yielded vertebrate fossils of various mammals, reptiles, and fish. As noted in the Cogstone Cultural Report, fossils found in the Sespe Formation include numerous types of rare terrestrial animals from the late Eocene to the late Oligocene epochs. Vertebrates of the Sespe Formation include artiodactyls (early camels, deer-like animals, and other even-toed ungulates), primates, carnivores (dogs, cats, creodonts), insectivores, rabbits, rodents, marsupials, reptiles, and fish. Three fossil locations within Sespe Formation materials are known within one-quarter mile of the project site and more are known within a two-mile radius.

Erosion has created extensive areas of alluvial material, both older and newer in origin. Alluvial material includes poorly consolidated soils of eroding marine sediments of fine sands, silts, and gravel. Almost no bedrock can be found in the area, though sandstone formations are quite visible farther to the east. Older Quaternary alluvium deposits in the Simi Valley and the vicinity have yielded vertebrate fossils including a complete skeleton of mastodon. One fossil location within Older Alluvium is known within one-quarter mile of the project site, and others are known within approximately two miles. See Section 5.5, Geology and Soils and associated appendix for additional discussion of the underlying geologic units.

² U.S. Department of the Interior, *Recent Reverse Faulting in the Transverse Ranges, California: U.S. Geological Survey Professional Paper 1339*.

³ Natural History Museum of Los Angeles County, *Geologic Profile of Simi Valley, Contributions in Science: 511: 30, November 2006*.

Good sources of volcanic toolstone, such as andesite, basalt, or rhyolite, with most such material being brought into the area from surrounding sources by the prehistoric occupants of the area are absent in the region. Examples of such imported regional material used by Native Americans included Monterey chert from the Pacific coast, fused shale from Grimes Canyon farther to the west, and rhyolite from the Antelope Valley far to the north. Asphaltum – naturally seeping petroleum – was also collected in a number of Santa Susana Mountain seeps and foothill locations. This natural petroleum was used to make baskets watertight, and to act as glue for attaching arrowheads to shafts and for other craft tasks.

Required Island Annexations

The project will include the annexation of nine Island annexation areas from the County of Ventura to the City. The annexation areas are located within the City limits boundary, although currently they are excluded from the City’s jurisdiction, and consist of parcels that are mostly developed for residential use (consisting of single-family homes and several duplexes). A total of approximately five undeveloped lots within these unincorporated areas, which are located adjacent to existing development, could potentially be developed with five dwelling units. For the purposes of CEQA, the only action for this part of the project is for the Ventura County Local Agency Formation Commission (LAFCo) to approve annexation of the Island properties to the City, and no physical changes in land use or infrastructure within these properties is proposed as part of this project.

Regulatory Setting

Federal

National Historic Preservation Act of 1966 as Amended (Public Law [PL] 89-665)

The National Historic Preservation Act (NHPA) requires each state to appoint a State Historic Preservation Officer (SHPO) and authorizes Tribes to appoint Tribal Historic Preservation Officers (THPO) to direct and conduct a comprehensive state or reservation-wide survey of historic properties and maintain an inventory of such properties. This act also created the Advisory Council on Historic Preservation (ACHP), which provides both national oversight and dispute resolution. Further, the act established the NRHP and charged the National Park Service with maintaining the NRHP and promulgating various policies and guidelines for identifying, documenting, nominating, protecting, preserving and restoring historic properties that may be eligible for the NRHP. This act also has particular provisions for assuring the confidentiality of sensitive cultural resources information.

Sections 106 and 110 of this Act have specific bearing on federal agency historic preservation activities and the management of historic properties. Section 106 requires federal agencies to consider the effects of their undertakings on historic properties and to afford the ACHP a reasonable opportunity to comment on those undertakings. Under Section 106, an undertaking collectively refers to all projects, activities, or programs funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency, those carried out by federal financial assistance, and those requiring a federal permit, license, or approval. Federal agencies must meet their Section 106 responsibilities as set forth in the regulations (36 CFR Part 800).

Federal agencies must conduct the necessary studies and consultations to identify cultural resources that may be affected by an undertaking, evaluate cultural resources that may be affected to determine if they are eligible for the NRHP (that is, whether identified resources constitute historic properties), and assess whether such historic properties would be adversely affected.

Historic properties are resources listed on or eligible for listing on the NRHP (36 CFR 800.16(1)(1)). A property may be listed in the NRHP if it meets criteria provided in the NRHP regulations (36 CFR 60.4).

Typically, such properties must also be 50 years or older (36 CFR 60.4[d]). The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, or association and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history. Some property types do not typically qualify for the NRHP, however these properties may qualify if they fall into one or more of the following considerations (36 CFR 60.4).”

Some property types do not typically qualify for the NRHP, however these properties may qualify if they fall into one or more of the following considerations (36 CFR 60.4):

- “A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with the person’s productive life; or
- D. A cemetery which derives its primary significance from graves of persons of transcendent importance from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.

Section 106 defines an adverse effect as an effect that alters, directly or indirectly, the qualities that make a resource eligible for listing in the NRHP (36 CFR 800.5[a][1]). Consideration must be given to the property’s location, design, setting, materials, workmanship, feeling, and association, to the extent that these qualities contribute to the integrity and significance of the resource. Adverse effects may be direct and reasonably foreseeable or may be more remote in time or distance (36 CFR 8010.5(a)(1)).

The federal agency is required to consult with SHPO(s)/THPO(s); Indian tribes (federally recognized) and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and additional interested parties (e.g., the public). These parties may participate in the entire Section 106 process, including identifying historic properties, assessing adverse effects, and resolving adverse effects. The California SHPO and the Advisory Council of Historic Preservation (ACHP) strongly suggest that Indian tribes that are not federally recognized be consulted as “other interested parties” under 36 CFR Section 800.2(c)(5) or as members of the public 800.2(d).

National Register of Historic Places

First authorized by the Historic Sites Act of 1935, the National Register of Historic Places (National Register) was established by the National Historic Preservation Act of 1966 (NHPA), as “an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.” The National Register recognizes properties that are significant at the national, state, and local levels.

To be eligible for listing in the National Register, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. Four criteria have been established to determine the significance of a resource:

- It is associated with events that have made a significant contribution to the broad patterns of our history;
- It is associated with the lives of persons significant in our past;
- It embodies the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- It yields, or may be likely to yield, information important in prehistory or history.

Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001-13)

This act establishes requirements for the treatment of Native American human remains associated and unassociated funerary objects sacred objects and objects of cultural patrimony on federal and tribal land. The act defines the ownership of human remains and associated and unassociated funerary objects and objects of cultural patrimony, giving priority to lineal descendants and Indian tribes (43 CFR 10). In the event of an inadvertent discovery of remains or items, work shall stop in the immediate area and the inadvertent discovery be protected. The federal agency is required to notify and consult with tribes that are, or likely to be, culturally affiliated with the remains and/or associated funerary objects. Upon a valid repatriation request, the federal agency is required to return any such items to the lineal descendant(s) or specific tribe with whom such items are associated. The act and its implementing regulations contain similar noticing, consulting, and repatriation provisions for planned archaeological excavations (25 U.S.C. 3002(3)(c);43 CFR 10.3). The act also has particular provisions for assuring the confidentiality of sensitive cultural resources information.

State

California Office of Historic Preservation

The California Office of Historic Preservation (OHP), a division of the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level. The OHP also carries out the duties as set forth in the Public Resources Code and maintains the California Historic Resources Inventory and California Register of Historical Resources. The SHPO is an appointed official who implements historic preservation programs within the state.

California Register of Historic Resources

Assembly Bill 2881 created the California Register of Historical Resources (California Register) in 1992. The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.”

Eligibility criteria for the California Register are based upon National Register criteria. The California Register consists of automatically listed resources and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register of Historic Places and those formally Determined Eligible for the National Register of Historic Places;
- California Registered Historical Landmarks from No. 770 onward; and
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Resources Commission for inclusion on the California Register.

Resources that may be nominated to the California Register include:

- Individual historical resources;
- Historical resources contributing to historic districts;
- Historical resources identified as significant in historical resources surveys with significance ratings of Category 1 through 5 as defined on the California Department of Parks and Recreation’s Form 523; and
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

To be eligible for the California Register, a historic resource must be significant at the local, state, or national level under one or more of the following four criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated with the lives of persons important in our past;
- 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
- Has yielded, or has the potential to yield, information important in prehistory or history.

Additionally, a historic resource eligible for listing in the California Register must also retain its integrity. As defined in the Cogstone Cultural report, integrity is the authenticity of a historical resource’s physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource’s period of significance. Integrity is evaluated with regard to the retention of characteristics such as location, design, setting, materials, workmanship, feeling, and association.

California Environmental Quality Act

CEQA requires a lead agency to analyze whether historic resources may be adversely impacted by a project. Under CEQA (Public Resources Code Section 21084.1), a “project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment.” As defined in CEQA Guidelines Section 15064.5 the terms “historical resources” include the following:

- “A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register.

A resource included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements in Public Resources Code Section 5024.1(g) , is presumed to be historically or culturally significant. Public agencies must treat such resources as significant for purposes of

CEQA unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets one of the criteria for listing on the California Register."

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to Public Resources Code Section 5020.1(k)), or identified in a historical resources survey (meeting the criteria in Public Resources Code Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

CEQA Guidelines Section 15064.5 defines a "[s]ubstantial adverse change in the significance of an historical resource" to mean "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." Material impairment occurs when a project materially alters or demolishes in an adverse manner "those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion" in the California Register or a local historic registry or that justify its eligibility for inclusion.

Public Resources Code Section 21083.2(g) defines "a unique archaeological resource" to be an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that 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.

CEQA requires the lead agency to consider whether the project would have a significant effect on unique archaeological resources or resources eligible for listing in the California Register, and to avoid these resources when feasible or to mitigate any effects to less than significant levels. (Public Resources Code Sections 21083.2 and 21084.1). CEQA Guidelines Section 15064.5(c)(4) notes that if an archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment.

CEQA Guidelines Section 15064.5(e) provides procedures to be followed in the event of the accidental discovery of human remains. If remains are discovered, the county coroner examines the remains to determine the nature of the remains and cause of death. If the remains are determined to be of Native American origin, the county coroner contacts the Native American Heritage Commission (NAHC), which identifies the person or persons it believes to be the most likely descendant(s) of the deceased Native American. The most likely descendant may make recommendations for the excavation work and for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. Under certain conditions, the landowner or his authorized representative may rebury the human remains

and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance. Native American burials in California are protected by Public Resources Code Sections 5097.9 – 5097.991 and Health and Safety Code Section 7050.

Paleontological resources are also afforded protection under CEQA. Appendix G (part V) of the CEQA Guidelines provides guidance relative to significant impacts on paleontological resources, which states, “a project will normally result in a significant impact on the environment if it will ...disrupt or adversely affect a paleontological resource or site or unique geologic feature, except as part of a scientific study.” Public Resources Code Section 5097.5 also specifies that any unauthorized removal of paleontological remains is a misdemeanor.

Tribal Cultural Resources and Assembly Bill 52 and Senate Bill 18

AB 52 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 was to include California Native American tribes early in the environmental review process and to establish a new category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Sections 21074(a)(1) and (2) define tribal cultural resources as either (1) “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 (2) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be a significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 (i.e., criteria for listing a resource in the California Register).AB 52 led to an update of Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources.

Consultation is further discussed in AB-52 Section 21080.3:

- “(a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources.
- (b) Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. When responding to the lead agency, the California Native American tribe shall designate a lead contact person. If the California Native American tribe does not designate a lead contact person, or designates multiple lead contact people, the lead agency shall defer to the individual listed on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. For purposes of this section and Section 21080.3.2, "consultation" shall have the same meaning as provided in Section 65352.4 of the Government Code.
- (c) To expedite the requirements of this section, the Native American Heritage Commission shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated with the project area.
- (d) Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead

agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

- (e) The lead agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.”

Senate Bill (SB) 18⁴ requires California cities and counties to contact and consult with California Native American tribes before amending or adopting any general plan or specific plan or designating land as open space.^{5,6} 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. As the North Canyon Ranch project requests a General Plan Amendment, compliance with SB 18 is required.

Regional and Local

City of Simi Valley General Plan

The City of Simi Valley General Plan (2030 General Plan Update), Community Development Chapter, provides goals and policies for the protection of historic, archaeological, and paleontological resources, including protections that apply to new development or grading and excavation activities. See Draft EIR Section 4.9, Land Use and Planning a consistency analysis of the proposed project with applicable General Plan goals and policies.

4.5.2 Thresholds of Significance

The potential for the proposed project to result in impacts related to cultural resources has been analyzed in relation to the thresholds below, which are based upon the state CEQA Guidelines Appendix G Checklist.

Cultural Resources

The proposed project would be considered to have a significant impact to cultural resources if the proposed project has potential to:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (***Historical Resources***)
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (***Archaeological Resources***)
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (***Paleontological Resources***)
- Disturb any human remains, including those interred outside of formal cemeteries. (***Human Remains***)

Tribal Cultural Resources

The proposed project would be considered to have a significant impact to tribal cultural resources if the proposed project has potential to 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

⁴ Civil Code Section 815.3; Government Code Sections 65040.2, 65092, 65351, 65352, and 65560, 65352.3, 65352.4, and 65562.5.

⁵ State of California, Governor's Office of Planning and Research, General Plan Guidelines, 2017.

⁶ State of California, Tribal Cultural Consultation Guidelines, Supplement to General Plan Guidelines, November 14, 2005.

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 the local register of historical resources as defined in Public Resources Code § 5020.1(k). (*Tribal Cultural Resources Listed in or Eligible for the CRHR*).
- 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency must consider the significance of the resource to a California Native American tribe. (*Tribal Cultural Resources - Other Significant Tribal Cultural Resources*).

4.5.3 Project Impacts and Mitigation Measures

This Draft EIR analysis of cultural resources for the North Canyon Ranch site is based upon multiple studies, creating a robust database on which to evaluate the project's potential impacts. Among the past investigations is the Cogstone Cultural Report for the North Canyon Ranch site, which included a pedestrian survey on June 19 and 20, 2007, and 13 shovel test pits within the project site in likely topographic locations. During this effort, no paleontological, archaeological, or historical resources were observed within the site, either on the surface or within the shovel test pits. Cogstone submitted record search requests to the South Central Coast Information Center (SCCIC) at California State University Fullerton and a search of the sacred lands inventory at the California Native American Heritage Commission (NAHC); these record searches determined there are no recorded sites within the project area. There are 36 prehistoric sites, six prehistoric isolates, and five historic sites within a 1.0 mile radius of the project.

The Envicom Cultural Report completed in July of 2017 included a cultural resource record search at the SCCIC and the NAHC. Additional databases examined include historic regional maps, historic United States Geological Survey maps, and historic Google Earth images. The record searches identified a single previously recorded cultural resource, P-56-001596 (CA-VN-1596), located within the extreme southwest corner of the proposed project property. This resource was described as a small prehistoric lithic and ground-stone scatter. A pedestrian survey of the subject property was completed from May 17 to May 19, 2017, which assessed previously identified cultural resources within the project area as well as surveyed the property for new cultural resources. Examination of the resource area (CA-VN-1596) in 2017 concluded that the cultural resource had been destroyed between the time of original recordation and the present. The Envicom pedestrian survey found no additional resources within the project property. In summary, the findings of the record searches and the pedestrian survey were that no cultural resources existed within the proposed project property. As no activities have occurred on the North Canyon Ranch site, no further site investigations have been conducted. (See analysis and mitigation measures below, which establish monitoring requirements for the site during ground-disturbing activities.)

4.5.3.1 *Historical Resources*

North Canyon Ranch

The project would potentially result in a significant impact if it would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 and discussed in the regulatory setting. The project site is undeveloped with the exception of existing stormwater detention basins along the southern site boundary associated with the development of the Simi Valley Town Center.

The Cogstone Cultural Report found no historical resources from a survey of the project site and no historical resources from record searches. The Envicom Report concluded that the subject property was not located in an area sensitive for historical cultural resources. A review of twelve historical local and United

States Geologic Survey maps indicated that no historical resources were located within the property boundary through the 1980s, indicating that there is little chance for significant historical cultural resources that are older than 50-years being encountered by the project. A review of historical satellite images through Google Earth showed little change to the project area from 1995 until 2004, when the project property was subject to extensive earth moving and grading concurrently with the construction of the Simi Valley Town Center shopping mall to the south. Given that no historical resources have been identified on the site, the project would result in no impact on a historical resource.

Required Island Annexations

These currently unincorporated areas are located within existing developments and include parcels that are mostly developed for residential use with single-family homes or duplexes. A total of approximately five undeveloped lots within these unincorporated areas could potentially be developed with five dwelling units. For the purposes of CEQA, the only action for this part of the project is for the City to annex these properties, and no physical changes in land use or infrastructure within these properties is proposed. Where development or redevelopment may occur in the future within the annexation areas, the standard City review process would determine whether further CEQA analysis for potential historic resources would be required. As currently no new development is proposed and there are no designated historic resources in the annexation areas, no significant impact is anticipated.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant without the need for mitigation.

4.5.3.2 Archaeological Resources

North Canyon Ranch

The project would potentially result in a significant impact if it would cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section §15064.5 and discussed in the regulatory setting.

No archaeological materials were observed on the surface of the project nor produced by the shovel test pit program conducted for the Cogstone Cultural Report. Records searches for the Cogstone Cultural Report did not reveal any known archaeological resources within the site, although small archaeological resources consisting of lithic quarries and scatters are known within 1.0 mile of the project boundaries. No major features or substantial sites such as villages are known within 1.0 mile of the project boundaries.

The pedestrian survey concluded by Envicom was negative for observable cultural resources on the surface and did not find evidence of prehistoric cultural resource P-19-001595/CA-VN-1595 (a sparse lithic and ground stone scatter of artifacts), concluding the site had been destroyed since original recordation. The findings from the Envicom Cultural Report of the project property were, therefore, negative for known cultural resources. The cultural resource context of the project area, however, was determined moderately sensitive for prehistoric cultural resources due to clusters of prehistoric cultural resources along seasonal stream terraces to the east and west, which were of concern. Given that project grading could uncover previously unknown archaeological resources, implementation of mitigation measures **CUL-1** through **CUL-4** would reduce potential impacts to unknown archaeological resources to less than significant by requiring construction-phase monitoring, final reporting, and by establishing a protocol if buried materials of potential archaeological significance are accidentally discovered.

Required Island Annexations

These currently unincorporated areas are located within existing developments and include parcels that are mostly developed for residential use with single-family homes or duplexes. A total of approximately five undeveloped lots within these unincorporated areas could potentially be developed with five dwelling units. For the purposes of CEQA, the only action for this part of the project is for the City to annex these properties, and no physical changes in land use or infrastructure within these properties is proposed. Where development or redevelopment may occur in the future within the annexation areas, the standard City review process would determine whether further CEQA analysis for potential archaeological resources would be required. As currently no new development is proposed in the annexation areas, no significant impact is anticipated.

Mitigation Measures

North Canyon Ranch

MM CUL-1: Archaeological and Paleontological Monitoring Plan

To reduce the impact of ground-disturbing activities on any potentially present archaeological or paleontological resources, the permittee must retain a qualified archaeologist and a qualified paleontologist to develop an Archaeological and Paleontological Monitoring Plan that covers the unexpected discovery of archaeological or paleontological resources. To be considered qualified, archaeological staff must meet the educational and/or experience requirements outlined in the “Secretary of the Interior’s Standards and Guidelines for Archaeological and Historic Preservation (48 FR 44716, Sept. 29, 1983).” To be considered qualified, paleontological staff are recommended to meet the educational and/or experience requirements outlined by the Society of Vertebrate Paleontology. This Plan must establish a communication plan for unexpected archaeological or paleontological resource discovery. The Plan must clearly identify who will be called and in what order in the case of discovery of archaeological or paleontological resources, as well as the daily and weekly duties of field monitor(s). This Plan must include a Worker Environmental Awareness Plan (WEAP) for all construction team members. The permittee must prepare the Archaeological and Paleontological Monitoring Plan to the satisfaction of the Environmental Services Director, or designee, before the Building Official issues a grading permit.

MM CUL-2: Archaeological Monitoring

To reduce the impact of ground-disturbing activities on any potentially-present archaeological resources in a region of moderate sensitivity for prehistoric cultural resources with prehistoric site clusters to the east and west of the property, the permittee must retain a field monitor overseen by a qualified archaeologist and qualified paleontologist (as defined in CUL-1) for grading of the top 1.5-feet of native soils within the proposed project grading limit shown on the approved entitlement plan set. The field monitor must observe grading to the edge of the grading limit, however, not be within previously disturbed areas of the site shown on and clearly depicted on the approved site plan. Field monitoring must take place during all grubbing and clearing tasks, as well as during all earth moving of the native soil layer (assumed to be 1.5-feet in depth). If the archaeological monitor determines that potential native soils exist below 1.5-feet in depth, then the monitor can recommend to the compliance team that additional monitoring should take place. Additional monitors must be used

if the distance between active construction teams limits an individual monitor from observing subsurface impacts. The permittee must submit a final site plan clearly depicting previously disturbed areas and identify qualified archaeological and paleontological monitors, including any field monitors at their direction, for review by the Environmental Services Director, or designee, before the Building Official issues a grading permit.

MM CUL-3: Final Archaeological and Paleontological Monitoring Report

To document compliance with archaeological and paleontological protection measures, the permittee must draft and submit a Final Archaeological and Paleontological Monitoring Report to the Lead Agency as proof of compliance. This report must summarize monitoring tasks and findings and provide a log of all daily monitoring activities. If artifacts or fossils are recovered from disturbed contexts during monitoring, those artifacts or fossils must be professionally cleaned, organized, analyzed, and submitted to an authorized curatorial facility, at the expense of the project proponent. The permittee must submit the Final Archaeological and Paleontological Monitoring Report at the conclusion of finish grading for review by the Environmental Services Director, or designee, before the Building Official issues a building permit.

MM CUL-4: Archaeological or Paleontological Discovery Protocol

To reduce the impact of ground-disturbing activities on any buried materials of potential-archaeological or paleontological significance discovered within an undisturbed context associated with the proposed project, then all work in that area must be halted or diverted away from the discovery to a distance of 50-feet until a qualified archaeologist or paleontologist (as defined in CUL-1) can evaluate the nature and significance of the find(s). The communication plan established in the Archaeological and Paleontological Monitoring Plan and the City of Simi Valley as Lead Agency must be immediately notified of the discovery. Construction may not resume in the locality of the discovery until without clearance by the Environmental Services Director.

If a cultural or paleontological resource deemed of significant value to a qualified senior archaeologist or paleontologist is discovered during earth-moving, complete avoidance of the find is preferred. If the resource cannot be avoided, the Environmental Services Director, or designee, may require further survey work, evaluation tasks, or data recovery of the significant resource.

Residual Impacts

North Canyon Ranch

Impacts would be less than significant after mitigation because mitigation measures CUL-1 through CUL-4 require construction-phase monitoring and reporting during ground-disturbing activities; mitigation measure CUL-3 specifically establishes an Archaeological or Paleontological Discovery Protocol for additional subsurface testing, evaluation of the find, or data recovery as appropriate, if buried materials of potential archaeological significance are accidentally discovered.

Required Island Annexations

Impacts would be less than significant before mitigation, as no development is proposed.

4.5.3.3 Paleontological Resources

North Canyon Ranch

The project would potentially result in a significant impact if it would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Although no known paleontological resources were identified on the site during the Cogstone Cultural Report or the Envicom Cultural Report, ground disturbance activities could result in uncovering of unknown paleontological resources. Examination of paleontological maps indicated that the project area is moderately sensitive for paleontological resources. Implementation of the project would result in vegetation clearance and grading of portions of the site associated with the Sespe Formation geological unit, which has produced vertebrate fossils in locations within one-quarter mile of the project site and is considered a sensitive geological formation for fossil resources. Therefore, implementation of mitigation measures CUL-1, CUL-3, CUL-4, and CUL-5 would reduce potential impacts regarding paleontological resources to less than significant through paleontological monitoring, reporting, and by establishing a discovery protocol if buried materials of potential paleontological significance are accidentally discovered.

Required Island Annexations

These currently unincorporated areas are located within existing developments and include parcels that are mostly developed for residential use with single-family homes or duplexes. A total of approximately five undeveloped lots within these unincorporated areas could potentially be developed with five dwelling units. For the purposes of CEQA, the only action for this part of the project is for the City to annex these properties, and no physical changes in land use or infrastructure within these properties is proposed. Where development or redevelopment may occur in the future within the annexation areas, the standard City review process would determine whether further CEQA analysis for potential paleontological resources would be required. As currently no new development is proposed in the annexation areas, no significant impact is anticipated.

Mitigation Measures

North Canyon Ranch

Mitigation measures CUL-1, CUL-3, and CUL-4 apply, along with CUL-5, as follows:

MM CUL-5: Paleontological Monitoring

To reduce the impact of ground-disturbing activities on any potentially present paleontological resources in a region of sensitivity for paleontological resources, the permittee must retain a paleontological resource monitor for grading past (i.e., deeper than) the top 1.5-feet of native soils within the entire project grading limit. Additional monitors shall be used if the distance between active construction teams limits a single monitor from observing subsurface impacts.

Residual Impacts

North Canyon Ranch

Impacts would be less than significant after mitigation because mitigation measures CUL-1 and CUL-3 through CUL-5 require construction-phase monitoring and reporting during ground-disturbing activities; mitigation measure CUL-4 specifically establishes a Paleontological Discovery Protocol for additional subsurface testing, evaluation of the find, or data recovery as appropriate, if buried materials of potential paleontological significance are accidentally discovered.

Required Island Annexations

Impacts would be less than significant before mitigation, as no development is proposed.

4.5.3.4 Human Remains

North Canyon Ranch

The project would potentially result in a significant impact if it would disturb any human remains, including those interred outside of formal cemeteries. The Cogstone Cultural Report concluded no archaeological materials were observed on the surface nor produced by subsurface shovel tests. No major features or substantial sites such as villages are known within 1.0 mile of the project boundaries. With respect to the cultural resource context of the project area, however, the Envicom Cultural Report determined the project site to be moderately sensitive for prehistoric cultural resources, mostly due to clusters of prehistoric cultural resources along seasonal stream terraces to the east and west. Mitigation measure **CUL-6** is provided for ground disturbance activities on the site in the unlikely event that unknown human remains are uncovered by the project. Implementation of mitigation measure CUL-6 would reduce to less than significant the potential inadvertent impact related to the disturbance of unknown human remains.

Required Island Annexations

These currently unincorporated areas are located within existing developments and include parcels that are mostly developed for residential use with single-family homes or duplexes. A total of approximately five undeveloped lots within these unincorporated areas could potentially be developed with five dwelling units. For the purposes of CEQA, the only action for this part of the project is for the City to annex these properties, and no physical changes in land use or infrastructure within these properties is proposed. Where development or redevelopment may occur in the future within the annexation areas, the standard City review process would determine whether further CEQA analysis for potential human remains would be required. As currently no new development is proposed in the annexation areas, no significant impact is anticipated.

Mitigation Measures

North Canyon Ranch

MM CUL-6: Human Remains Discovery Protocol

In the event human remains are discovered, no further disturbance may occur until the County Coroner has made a determination as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The Coroner must be notified of the find immediately, together with the City and the property owner.

If the human remains are determined to be prehistoric, the Coroner must notify the California Native American Heritage Commission, which will determine and notify a Most

Likely Descendant (MLD). The MLD should complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials and an appropriate re-internment site. The Lead/Permitting Agency and a qualified archaeologist (i.e., with qualifications determined acceptable to the City) may establish additional appropriate mitigation measures for further site development, which may include archaeological and Native American monitoring or subsurface testing. All responses to the discovery of human remains shall be outlined in a Recovery and Management Plan submitted to the Lead Agency. Any required monitoring must be outlined in a Construction Phase Monitoring Plan, which must also be submitted to the Environmental Services Director, or designee, before the recommencement of ground-disturbance activities.

Residual Impacts

North Canyon Ranch

In the unlikely event that unknown human remains are uncovered during project ground-disturbing activities, impacts would be less than significant after mitigation because mitigation measure CUL-6 establishes a discovery protocol in accordance with Health and Safety Code Section 7050.5.

Required Island Annexations

Impacts would be less than significant before mitigation, as no development is proposed.

4.5.3.5 Tribal Cultural Resources Listed in or Eligible for the CRHR

North Canyon Ranch

The project would potentially result in a significant impact if it would cause a substantial adverse change in the significance of a tribal cultural resource and that is listed or eligible for listing in the CRHR, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k). The Envicom Cultural Resources Phase I Survey included an NAHC record search, which was negative for cultural resources, including Tribal Cultural Resources. Nevertheless, as required, the City as lead agency, conducted an outreach to multiple Native American tribal representatives for consultation in compliance with state law. Responses were received from the Coastal Band of the Chumash Nation, the Fernandeano Tataviam Band of Mission Indians, and the Santa Ynez Band of Chumash Indians, all of which requested to participate in consultation for the purpose of cultural resources (on file with the City). Mitigation measures discussed above, namely CUL-1 through CUL-4 for archaeological resources and CUL-6 for human remains are required, to assure potentially significant impacts are mitigated to below significance.

Required Island Annexations

As no development is proposed at this time, impacts to tribal cultural resources from the annexations would be less than significant.

Residual Impacts

North Canyon Ranch

Mitigation measures CUL-1, CUL-2, CUL-3, CUL-4, and CUL-6 apply. No additional mitigation measures would be required.

Required Island Annexations

Impacts would be less than significant before mitigation.

4.5.3.6 Tribal Cultural Resources - Other Significant Tribal Cultural Resources

North Canyon Ranch

The project would potentially result in a significant impact if it would cause a substantial adverse change in the significance of a tribal cultural resource and that is a resource determined by the City, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code § 5024.1(c), which defines historical resources. In applying the criteria set forth in that section (i.e.

The City of Simi Valley has conducted tribal outreach for Native American tribal consultation in accordance with California law. As noted above, responses were received from the Coastal Band of the Chumash Nation, the Fernandño Tataviam Band of Mission Indians, and the Santa Ynez Band of Chumash Indians, all of which requested to participate in consultation for the purpose of cultural resources. Mitigation measures discussed above, namely CUL-1 through CUL-4 for archaeological resources and CUL-6 for human remains must be incorporated, to ensure potentially significant impacts would be mitigated to below significance.

Required Island Annexations

Impacts would be less than significant before mitigation, as no development is proposed.

Residual Impacts

North Canyon Ranch

Mitigation measures CUL-1, CUL-2, CUL-3, CUL-4, and CUL-6 apply. As these measures require a monitoring plan, monitoring, and a final report, resources would be protected and properly assessed to avoid destruction of significant resources.

Required Island Annexations

Impacts would be less than significant before mitigation.

4.5.4 Cumulative Impacts

North Canyon Ranch

Under CEQA, a project's impact is cumulatively considerable when the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. In considering the effects of probable future projects, for the issue of Cultural Resources, the General Plan buildout would be the overall cumulative project set. Chapter 3.0, Cumulative Projects, provides a list of recent, currently proposed and reasonably foreseeable projects in the City, as a subset of General Plan buildout. With regard to cultural resources, projects of geographic range regarding the project site's potential historical, archaeological and unique paleontological concerns within the City would be considered. However, resources can often not be known until they are discovered. The City reviews proposed projects to determine CEQA review and Native American tribal consultation requirements and where future projects may have potential impacts, the City would require further analysis, and potentially CEQA documentation. Where warranted, such CEQA documentation would include appropriate mitigation to avoid significant impacts. With implementation of project mitigation measures CUL-1 through CUL-6, the project's contribution to potentially significant cumulative impacts would be reduced to less than significant levels. Cumulative impacts to cultural would be less than significant.

Required Island Annexations

These unincorporated areas are located adjacent to existing development and include parcels that are mostly developed for residential use with single-family homes or duplexes. A total of approximately five undeveloped lots within these unincorporated areas could potentially be developed with five dwelling units. For the purposes of CEQA, the only action for this part of the project is for LAFCo to approve annexation of the Island properties to the City, and no physical changes in land use or infrastructure within these properties is proposed as part of this project. As evaluated above, the annexation of the Island Areas would not result in significant historic, archaeological or paleontological resources, significant impacts to human remains, or tribal cultural resources. Therefore, the City's annexation of the Islands would not result in a cumulatively considerable contribution to cultural resources impacts or tribal cultural resources impacts, and cumulative impacts would be less than significant.

Full Project

The combined impacts of all project components with mitigation would be less than significant for historic, archaeological or paleontological resources, significant impacts to human remains, or tribal cultural resources. No specific impacts of future projects to cultural or Tribal Cultural Resources are known at this time. Future projects in the City would also be assessed for potential impacts as part of the City's CEQA review process for projects. Tribal cultural outreach will continue to occur for all CEQA projects requiring Negative Declarations, Mitigated Negative Declarations, and EIRs. No significant cumulative impact would occur as a result of the project.