

## 4.5 CULTURAL, TRIBAL CULTURAL, AND PALEONTOLOGICAL RESOURCES

This section evaluates the potential impacts of implementing the 2040 General Plan on known and unknown cultural resources, including archaeological, historical, and tribal cultural resources, and human remains. Paleontological resources impacts are also evaluated in this section. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-era resources, and “tribal cultural resources” (the latter as defined by Assembly Bill [AB] 52, Statutes of 2014, in Public Resources Code [PRC; Section 21074]). Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or architectural) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes.

A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources were added as a resource subject to review under CEQA, effective January 1, 2015 under AB 52 and includes site features, places, cultural landscapes, sacred places or objects, which are of cultural value to a Native American tribe. Paleontological resources include the fossilized remains of plants and animals, including vertebrates, invertebrates, and fossils of microscopic plants and animals. These resources help to establish a historical record of past plant and animal life and assist geologists in dating rock formations. As described in the “Approach to the Environmental Analysis” section, above, the following assessment of impacts is based on the characterization of existing environmental conditions and regulatory setting provided in the January 2020 Background Report (Appendix B). Where necessary, each section identifies changes (e.g., new information, regulatory changes) to the environmental and regulatory setting included in the Background Report that are relevant to understanding the 2040 General Plan’s potential impacts.

Comments received on the notice of preparation (NOP) included concerns related to AB 52 consultation and consultation requirements under Senate Bill (SB) 18 (Statutes of 2004, in California Civil Code Section 815.3). SB 18 consultation is not a CEQA requirement and, therefore, is not discussed in this section. Additional comments included those related to historic preservation and historic districts. These comments are addressed in this section, as appropriate. The NOP and comments on the NOP are included in Appendix A.

### 4.5.1 Background Report Setting Updates

#### REGULATORY SETTING

In addition to the information provided in Section 8.6, “Cultural, Historical, Paleontological, and Archaeological Resources,” of the Background Report (Appendix B), the following information is relevant to understanding the potential archaeological, historical, tribal cultural, and paleontological resource impacts of the 2040 General Plan:

### Secretary of the Interior's Standards

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards), codified in 36 CFR 67, provide guidance for working with historic properties. The Secretary's Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary's Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would not result in a significant impact to a historic resource. Projects that do not comply with the Secretary's Standards may or may not cause a substantial adverse change in the significance of a historic property.

In 1992, the Secretary's Standards were revised so they could be applied to all types of historic resources, including landscapes. They were reduced to four sets of treatments to guide work on historic properties: Preservation, Rehabilitation, Restoration, and Reconstruction. The four distinct treatments are defined as follows:

- ▶ **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- ▶ **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- ▶ **Restoration** depicts a property at a particular period of time in its history, while removing evidence of other periods.
- ▶ **Reconstruction** re-creates vanished or non-surviving portions of a property for interpretive purposes.

### The Guidelines for the Treatment of Historic Properties

The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (Guidelines) illustrate how to apply the four treatments detailed above to historic properties in a way that meets the Secretary's Standards and are advisory, not regulatory. The purpose of the Guidelines is to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. They address both exterior and interior work on historic buildings. There are four sections, each focusing on one of the four treatment Standards: Preservation, Rehabilitation, Restoration, and Reconstruction. Each section includes one set of Standards with accompanying Guidelines that are to be used throughout the course of a project.

### Ventura County Coastal Zoning Ordinance

The Ventura County Coastal Zoning Ordinance includes guidelines for development within areas under coastal jurisdiction. The ordinance contains several measures for the avoidance and protection of archaeological, historical, tribal cultural, and paleontological resources. Specifically, Section 8175-5.7.6 states that development plans shall contain a plan for eliminating or mitigating adverse impacts to archaeological sites. Section 8175-5.7.7 and 8175-5.9 state that development of oil, energy, and public works infrastructure shall be sited and/or routed to avoid archaeological and paleontological-rich areas. Further, Section 8178-3 provides guidance and protocol for protection of archaeological, historic, and tribal cultural resources within the Coastal Zone. These include measures for project siting, avoidance of known resources, Phase I inventories and Phase II evaluations, as well as implementing a mitigation plan and requiring

construction monitoring. Phase I inventories involve a California Historical Resources Information System (CHRIS) record search, Sacred Lands File search, a surface survey to determine the presence or absence of archaeological resources, and a report containing findings. Phase II inventories involve subsurface exploration (i.e., hand or auger excavations, shovel test pits or trenches), a determination of resource boundaries, an analysis of recovered materials, and an assessment to determine the resource integrity. Section 8178-3 also provides measures for encountering paleontological resources, including evaluation, documentation, and monitoring (Ventura County 2017a).

#### Ventura County Non-Coastal Zoning Ordinance

The Ventura County Non-Coastal Zoning Ordinance includes guidelines for development that identify appropriate measures for the avoidance and protection of archaeological, historical, tribal cultural, and paleontological resources. Specifically, Section 8107-5.5.5 states that oil and gas pipelines should be sited and/or routed to avoid important resources areas, including archaeological and paleontological-rich areas. Section 8107-44.5, "Construction and Operational Standards," provides requirements and protocol in the event that any cultural resources are discovered during construction activities associated with emergency shelters. Sections 8104-7.4 and 8109-4.5.3 include standards for preservation of historic character within the Community Business District overlay zone. Additional standards are provided within the ordinance that address development within or near landmarks, structures, districts, and trees that are considered to be of historical and/or cultural significance (Ventura County 2017b).

#### Ventura County Cultural Heritage Board Ordinance

The Ventura County Cultural Heritage Ordinance was established to preserve and protect public and private historic, cultural, and natural resources which are of special historical or aesthetic character or interest, or relocating or recreating such resources where necessary for their preservation, use, education, and view by the public (Ventura County n.d.) Under the ordinance, the Cultural Heritage Board establishes, updates, and maintains a list of buildings, structures, objects, and sites of historical, architectural, community, or aesthetic merit. The Cultural Heritage Board is responsible for providing recommendations related to the preservation and enhancement of resources, maintaining the Local Register of Historic Places, providing recommendations for resource inclusion in the California Register, recommending zoning, designating cultural heritage sites, and conducting surveys. The ordinance includes definitions and designation criteria for cultural heritage sites (Ventura County n.d.).

## ENVIRONMENTAL SETTING

In addition to the information provided in Section 8.6, "Cultural, Historical, Paleontological, and Archaeological Resources" of the Background Report (Appendix B), the following information is relevant to understanding the potential archaeological, historical, tribal cultural, and paleontological resource impacts of the 2040 General Plan:

### Tribal Cultural Resources

#### Native American Heritage Commission

The Native American Heritage Commission (NAHC) was contacted in 2016 as part of the process to develop the 2040 General Plan and to comply with consultation requirements pursuant to SB 18. The NAHC response, dated March 7, 2016, identified several tribes located in the plan area for the County to contact. On December 28, 2018, the County contacted the NAHC to secure a tribal consultation list pursuant to AB 52.

### Native American Consultation

A Native American contact program was initiated pursuant to AB 52 in January 2019. The following are tribes and tribal representatives that were contacted:

- ▶ Barbareno/Ventureno Band of Mission Indians, Julie Lynn Tumamait-Stenslie, Chairperson; Patrick Tumamait, Eleanor Arrellanes, and Raudel Banuelos, Jr.;
- ▶ San Luis Obispo County Chumash Council, Mark Steven Viai, Tribal Chief;
- ▶ Santa Ynez Band of Chumash Indians, Kenneth Kahn, Chairperson;
- ▶ Coastal Band of the Chumash Nation, Mia Lopez; and
- ▶ Fernandeano Tataviam Band of Mission Indians, Jairo F. Avila, Tribal Historic and Cultural Preservation Officer.

In 2017, the County initiated SB 18 and AB 52 Native American consultation with the Barbareno/Ventureno Band of Mission Indians and a meeting was held to discuss the 2040 General Plan. On October 13, 2017, Planning Division staff submitted a letter to the Barbareno/Ventureno Band of Mission Indians requesting clarification on public comments submitted by the tribe on the General Plan draft Background Report. To date, no response has been submitted to the County regarding this requested clarification. On January 11, 2019, a Notice of Preparation for the draft EIR was submitted to the Barbareno/Ventureno Band of Mission Indians. Subsequent to the release of the draft EIR for public review and comment, and pursuant to AB 52, County staff will consult with the Barbareno/Ventureno Band of Mission Indians regarding the contents of the EIR. Pursuant to Public Resources Code Section 21082.3, the County shall conclude AB 52 consultation prior to requesting the Board of Supervisors certify the 2040 General Plan Final Program EIR.

Additionally, on January 17, 2019, the County initiated AB 52 consultation with the Fernandeano Tataviam Band of Mission Indians. As of January 2020, AB 52 consultation is still underway. On September 10, 2019, Jairo F. Avila, Tribal Historic and Cultural Preservation Officer for the Fernandeano Tataviam Band of Mission Indians requested review of the draft EIR and any Archaeological/Cultural Resource reports considered for the 2040 General Plan, when available. Subsequent to the release of the draft EIR for public review and comment, and pursuant to AB 52, County staff will consult with the Barbareno/Ventureno Band of Mission Indians and the Fernandeano Tataviam Band of Mission Indians regarding the contents of the EIR. Pursuant to Public Resources Code Section 21082.3, the County shall conclude AB 52 consultation prior to requesting the Board of Supervisors certify the 2040 General Plan Final Program EIR. No other California Native American tribes have requested formal AB 52 consultation or additional information.

## 4.5.2 Environmental Impacts and Mitigation Measures

### METHODOLOGY

This program-level analysis identifies the potential impacts of implementation of the 2040 General Plan on cultural, archaeological, historical, tribal cultural, and paleontological resources. The impact analysis considers the nature and location of the known archaeological, historical, tribal cultural, and paleontological resources, as well as the types of locations and conditions with the potential for previously undocumented resources, including human remains.

Potential physical effects (e.g., disturbance, material alteration, demolition) to known and previously undocumented resources are evaluated by comparing their known and potential locations to the buildout of land uses that would be allowed under the land use diagram of the 2040 General Plan. The analysis evaluates the ability of the policies and implementation programs of the 2040 General Plan to avoid or substantially lessen adverse impacts to archaeological, historical, tribal cultural, and paleontological resources.

## THRESHOLDS OF SIGNIFICANCE

As discussed in the “Approach to the Environmental Analysis” section, the thresholds used to determine the significance of the 2040 General Plan’s impacts are based on the County’s adopted Initial Study Assessment Guidelines (ISAG), which include threshold criteria to assist in the evaluation of significant impacts for individual projects. Appendix G of the State CEQA Guidelines also provides considerations for determining the significance of a project’s impacts, in the form of initial study checklist questions.

To develop thresholds of significance for this section of the draft EIR, the County has deviated from the ISAG threshold criteria, where appropriate, to appropriately consider the programmatic nature of a general plan for the entire unincorporated area and to incorporate the 2019 revisions to the Appendix G checklist.

Specifically, the ISAG does not include thresholds for analyzing potential substantial adverse changes to tribal cultural resources or disturbance of human remains. Therefore, Appendix G questions XVIII(a-b) regarding effects on tribal cultural resources, and Appendix G question V(c) addressing disturbance of human remains have been added as thresholds below.

For the purpose of this draft EIR, implementation of the 2040 General Plan would have a significant impact on cultural, tribal cultural, or paleontological resources if it would:

- ▶ Demolish or materially alter in an adverse manner those physical characteristics of an archaeological resource that account for its inclusion in a local register of *historical resources* pursuant to Section 5020.1(k) requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not archaeologically or culturally significant.
- ▶ Demolish or materially alter in an adverse manner those physical characteristics of an archaeological resource that convey its archaeological significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.
- ▶ Demolish or materially alter in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources.
- ▶ Demolish or materially alter in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in a historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant.

- ▶ Demolish or materially alter in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.
- ▶ Demolish or materially alter in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.
- ▶ Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074.
- ▶ Result in the disturbance of human remains, including those interred outside of formal cemeteries.
- ▶ Result in grading and excavation of fossiliferous rock (identified as “Moderate to High” or “High” on Table D.2 of the ISAG) or increase access opportunities and unauthorized collection of fossil materials from valuable sites.

## ISSUES NOT DISCUSSED FURTHER

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097. Future development that could occur during the planning horizon of the 2040 General Plan would be required to comply with the California Health and Safety Code as well as the California PRC. Therefore, no impact would occur, and this issue is not discussed further.

## 2040 GENERAL PLAN POLICIES AND IMPLEMENTATION PROGRAMS

The 2040 General Plan policies and implementation programs related to cultural, tribal cultural, and paleontological resources and, specifically, the thresholds of significance identified above, include the following:

### Conservation and Open Space Element

- ▶ **Policy COS-4.1: Cultural, Historical, Paleontological, and Archaeological Resources Inventory.** The County shall maintain an inventory of cultural, historical, paleontological, and archaeological resources in Ventura County based on project studies and secondary resources. (MPSP) *[Source: Existing GPP Goal 1.1.1.1, modified]*
- ▶ **Policy COS-4.2: Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation.** The County shall cooperate with cities, special districts, other appropriate organizations, and private landowners to identify and preserve the county's cultural, historical, paleontological, and archaeological resources. (IGC) *[Source: Existing GPP Goal 1.8.1.2, modified]*

- ▶ **Policy COS-4.3: Historical Landmarks Preservation.** The County shall require all structures and sites that are designated, or being considered for designation, as County Historical Landmarks to be preserved as a condition of discretionary development, in accordance with the Secretary of the Interior Standards, unless a structure is unsafe or deteriorated beyond repair. The property owner shall place an appropriate marker on the site to describe the historical significance of the structure, site or event. (RDR) *[Source: Existing Oak Park Area Plan Policy 1.5.2.2, Ojai Valley Area Plan Policy 1.7.2.2, and Thousand Oaks Area Plan Policy 1.5.2.2, modified]*
- ▶ **Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation.** The County shall require discretionary development be assessed for potential cultural, historical, paleontological, and archaeological resources by a qualified professional and be designed to avoid impacts to these resources whenever to the maximum extent feasible. Unavoidable impacts, whenever possible shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. (RDR) *[Source: Existing GPP Policy 1.8.2.1, GPP Policy 1.8.2.2, Ojai Valley Area Plan Goal 1.7.1.2 and Policy 1.7.2.1, Thousand Oaks Area Plan Goal 1.5.1.4 and Policy 1.5.2.1, Oak Park Area Plan Policy 1.5.2.1, and Piru Area Plan Policy 1.4.2.2, modified]*
- ▶ **Policy COS-4.5: Adaptive Reuse of Historic Structures.** The County shall encourage discretionary development to adaptively reuse architecturally or historically significant buildings if the original use of the structure is no longer feasible and the new use is allowed by the underlying land use designation and zoning district. (RDR) *[Source: New Policy]*
- ▶ **Policy COS-4.6: Architectural Design to Reflect Historic and Cultural Traditions.** The County shall encourage discretionary development to incorporate architectural designs and features that reflect the historical and cultural traditions characteristic to the area or community. (RDR) *[Source: Existing Piru Area Plan Policy 1.4.2.3, modified]*
- ▶ **Policy COS-4.7: Cultural Heritage Board Review.** Prior to environmental review of discretionary development, the County shall determine whether a site has potential archaeological, architectural or historical significance and provide this information to the County Cultural Heritage Board for evaluation and recommendation to the appropriate decision-making body. (RDR) *[Source: Existing GPP Policy 1.8.2.5]*

## Coastal Area Plan

### Archaeological Resources

#### Policies

1. Discretionary development shall be reviewed to identify potential locations for sensitive archaeological resources.
2. New development shall be sited and designed to avoid adverse impacts to archaeological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to archaeological resources, then the alternative that would result in the fewest or least significant impacts to resources shall be selected. Impacts to archaeological resources that cannot be avoided through siting and design alternatives shall be mitigated. When impacts to archaeological resources cannot be avoided, mitigation shall be required and shall be designed in accordance with established federal, State

and/or County standards and shall be consistent with the policies and provisions of the LCP.

3. Archaeological, historical and ethnographic interpretation of native peoples in Ventura County should be incorporated into existing interpretive programs at public recreation facilities as feasible and into future interpretive programs as funds become available.
4. The location of all coastal zone archaeological sites shall be kept confidential to avert disturbance or destruction of the resource.
5. Native American tribal groups approved by the Native American Heritage Commission for the area shall be consulted when development has the potential to adversely impact archeological resources.
6. Protect and preserve archaeological resources from destruction and avoid impacts to such resources where feasible.
7. The unauthorized collection of archaeological artifacts is prohibited.

### Paleontological Resources

#### Policies

1. Discretionary development shall be reviewed to determine the geologic unit(s) to be impacted and paleontological significance of the geologic rock units containing them.
2. New development shall be sited and designed to avoid adverse impacts to paleontological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to paleontological resources, then the alternative that would result in the fewest or least significant impacts to resources shall be selected. Impacts to paleontological resources that cannot be avoided through siting and design alternatives shall be mitigated. When impacts to paleontological resources cannot be avoided, mitigation shall be required that includes procedures for monitoring grading and handling fossil discoveries that may occur during development.
3. Protect and preserve paleontological resources from destruction and avoid impacts to such resources where feasible.
4. The unauthorized collection of paleontological artifacts is prohibited.

#### Oak Park Area Plan

- ▶ **Policy OP-50.1: Archaeological Resources Organization and Chumash Indian Community Review.** The County shall require all discretionary permits involving construction or earth movement within the Oak Park Area of Interest to be reviewed by the County's designated archaeological resource organization and representatives of the local Chumash Indian Community. Where deemed necessary by the Planning Division, the County shall require a field reconnaissance study to be conducted by a County approved archaeologist to determine the potential for surface or subsurface cultural remains. The County shall require appropriate mitigation of impacts to identified sites, as recommended by the archaeologist and approved by the County. The County shall require grading to be monitored within those areas determined by the field survey to be of moderate or higher

likelihood to yield buried artifacts. The County shall require monitors to be empowered to halt construction in the immediate vicinity of unearthed artifacts until adequate investigation has occurred. *[Source: Existing Oak Park Policy 1.5.2.1]*

#### Ojai Valley Area Plan

- ▶ **Policy OJ-44.1: Archaeological Resource Review.** The County shall require all discretionary development permits involving construction or earth movement within the Ojai Valley to be reviewed by the County's designated archaeological resource review organization.

a. Whenever such discretionary development requires a field reconnaissance study, the County shall require such study to be conducted by a County approved archaeologist to determine the potential for surface or subsurface cultural remains.

b. The County shall require a qualified archaeological monitor to be present to monitor significant trenching or earth movement at any such site if deemed to be needed by the study. If the archaeological monitor is not a Native American and Native American cultural resources are found at the site, the County shall require a Native American monitor.

c. In the event that artifacts of historical or archaeological significance are uncovered, the County shall empower the qualified archaeological monitor to halt construction in the immediate vicinity of such unearthed artifacts until disposition of the site has been determined by the County Planning Division.

*[Source: Existing Ojai Valley Policy 1.7.2.1]*

- ▶ **Policy OJ-43.1: Historical Structure Preservation.** The County shall require all structures and/or sites designated, or being considered for designation as County Historical Landmarks within the Ojai Valley to be preserved or appropriately salvaged, when deemed reasonable by the permitting authority, as a condition of discretionary development. The County shall require all costs of preservation/salvage to be borne by the developer. The County shall require an appropriate marker to be placed on the site to describe the historical significance of the structure, site or event. *[Source: Existing Ojai Valley Policy 1.7.2.2]*

#### Piru Area Plan

- ▶ **Policy P-44.1: Important Landmark Preservation.** The County shall require important local landmarks such as the Piru Mansion, Piru Methodist Church, Lechler's Museum, Juan Fustero Historical Marker, Round Rock Hotel, Piru Cemetery (including the cross above the cemetery), Old Center Street Bridge, Piru Train Bridge and Camulos Ranch (including the ranch cemetery, chapel and walnut tree) be preserved and protected where feasible for the benefit of future generations by designation of eligible properties as County Historic Landmarks. *[Source: Existing Piru Policy 1.4.2.1]*

- ▶ **Policy P-44.2: Archaeologically Significant Area Review Requirement.** The County shall require all discretionary permits involving construction or earth movement within the Piru Area of Interest be reviewed by the State Central Coastal Information Center and Native American organizations as designated by the Native American Heritage Commission. If the development is located within an archaeologically sensitive area, the County shall require a field reconnaissance study be conducted by a County approved archaeologist to determine the potential for surface or subsurface cultural remains. The County shall require a qualified

archaeological observer and Native American representative be present during any trenching or earth movement at such sites. If artifacts of historical or archaeological significance are uncovered, the County shall require the site be preserved until the County Planning Division determines the proper disposition of the site based on a recommendation from a qualified archaeologist and the local Chumash Native American Community. [Source: Existing Piru Policy 1.4.2.2]

#### Saticoy Area Plan

- ▶ **LU-P4: Landmark Status for Depot.** The County will:
  - a. Submit a nomination to the County's Cultural Heritage Board to designate the Saticoy Southern Pacific Railroad Depot as a County Historic Landmark;
  - b. Seek grant money to help fund necessary building improvements; and
  - c. Pending available staff resources, County staff will prepare an application to place the Depot on the National Register of Historic Places (in order to be eligible for federal grants), and if accepted subsequently apply for federal grants for building renovations.
- ▶ **LU-P5: Railroad Depot Design Assistance.** The County will contact regional architecture and planning schools to identify design/renovation options for the Railroad Depot that are consistent with its Landmark status.
- ▶ **LU-P6: Sites of Merit.** Sites found to be eligible for listing on the National Register of Historic Places (i.e., sites with code "3s" in the Historic Resources Survey and Context Statement for the Town of Saticoy), and sites found to be individually eligible for listing as a Site of Merit under Ventura County Criteria (i.e., sites with code "5s3"), shall be identified as eligible County Landmarks (3s) or Sites of Merit (5s3) in the County's project tracking system (i.e., Accela). The County shall hold a public hearing before the County's Cultural Heritage Board (CHB) to determine final eligibility. Following the CHB hearing, the County will update the County's database to reflect the historic status (eligible, designated) for each property.
- ▶ **LU-P7: Document Historic Resources.** For the four eligible Sites of Merit redesignated from residential to industrial use (see Table 3-1), the County will seek funding for an historic preservation professional, qualified in accordance with the Secretary of Interior Standards, to complete a documentation report for those structures. Pending available funding, the properties will be documented with Historic American Buildings Survey (HABS)-like archival quality large format photographs. An original copy of this documentation, photographs and negatives, along with the historical background of the properties prepared for this project, shall be submitted to an appropriate repository approved by the County and to the Museum of Ventura County, with copies to the Ventura County Cultural Heritage Board and photographic copies to the Saticoy Library.

#### Thousand Oaks Area Plan

- ▶ **Policy TO-45.1: Archaeological Resource Review Requirement.** The County shall require all discretionary development permits involving construction or earth movement within the Thousand Oaks Area of Interest to be reviewed by the County's designated archaeological resource review organization. Whenever a discretionary development project is located within an archaeologically sensitive area, the County shall require the following requirements:

- (1) The County shall require a field reconnaissance study to be conducted by a County approved archaeologist to determine the potential for surface or subsurface cultural reservoirs.
- (2) The County shall require a qualified archaeological monitor to be present to monitor trenching or earth movement during construction.
- (3) In the event that artifacts of historical or archaeological significance are uncovered, the County shall require the qualified archaeological monitor to be empowered to halt construction in the immediate vicinity of such unearthened artifacts until disposition of the site has been determined by the County Planning Division.

*[Source: Existing Thousand Oaks Policy 1.5.2.1]*

#### Lake Sherwood/Hidden Valley Area Plan

- ▶ **Policy LS-42.1: County Historical Landmarks.** The County shall require that all structures/sites designated, or being considered for designation, as County Historical Landmarks be preserved or appropriately salvaged as a condition of discretionary development. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.10]*
- ▶ **Policy LS-42.2: Local Native American Representative Consultation.** The County shall require all archaeological studies and surveys to be performed in consultation with local Native American representatives. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.1]*
- ▶ **Policy LS-42.3: Archaeological Requirements for Discretionary Development.** The County shall condition discretionary development to submit an archaeological literature search and walkover survey by a qualified archaeologist approved by the County. The County shall require further testing to determine the significance and boundaries of sites, if determined to be necessary by the archaeologist. The County shall require appropriate mitigation of impacts to identified sites, as recommended by the archaeologist and approved by the County. The County shall monitor grading within those areas determined by the field survey to be of moderate or higher likelihood to yield buried artifacts. The County shall empower monitors to halt construction in the immediate vicinity of unburied artifacts until adequate mitigation can be implemented. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.9]*
- ▶ **Policy LS-42.4: Walkover Archaeological Survey Requirement for Unsurveyed Areas.** Where deemed appropriate by the Planning Division, the County shall require, prior to issuance of the first discretionary entitlement, the applicant to conduct a walkover archaeological survey of unsurveyed portions of the area where there is a potential for direct and indirect impacts. the County shall require testing to determine site significance and site boundaries as recommended by the archaeologist. The County shall require mitigation measures recommended by the archaeologist to be implemented. The County shall require grading to be monitored per the recommendations of the survey. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.2]*
- ▶ **Policy LS-42.5: P.U.2 Rock Shelters.** Prior to the issuance of the first appropriate discretionary entitlement (as determined by the Planning Division), the County shall condition the applicant to perform testing to determine the significance of the rock shelters on P.U. 2

and to protect the shelters and/or perform scientific data recovery. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.3]*

- ▶ **Policy LS-42.6: Trinomial Designations for Relocated Bedrock Mortar in P.U.4.** Prior to the issuance of the first appropriate discretionary entitlement, the County shall condition the applicant to record and assign a trinomial designation to the relocated bedrock mortar in P. U. 4. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.4]*
- ▶ **Policy LS-42.7: Lake Bed Archaeologic Sites.** If Lake Sherwood is drained at some future date, the County shall require subsequent grading conditional use permits to evaluate and protect archaeological sites in the lake bed. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.5]*
- ▶ **Policy LS-42.8: Disturbance to Offsite Resources.** Prior to the issuance of the first appropriate discretionary entitlement the applicant shall be conditioned to prevent disturbance to potential offsite resources by maintaining perimeter fencing and/or participating in survey and mitigation on surrounding properties together with adjoining property owners. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.7]*
- ▶ **Policy LS-42.9: Stafford Road Realignment Testing.** Prior to the issuance of the first appropriate discretionary entitlement, the County shall require the applicant to perform testing in portions of the Stafford Road realignment not previously tested to determine potential impacts. If warranted, the County shall require the applicant to perform scientific data recovery or project redesign. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.6]*

**Policy LS-43.1: China Flats Area Historical Significance.** Prior to the issuance of the first appropriate discretionary entitlement, the County shall condition the applicant to resurvey the China Flats area for historic significance and to preserve it or perform scientific data recovery as warranted. *[Source: Existing Lake Sherwood/Hidden Valley Policy 2.2.2.8]*

## ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

### Impact 4.5-1: Substantial Adverse Change in the Significance of an Archaeological Resource Pursuant to PRC 5024.1 and CEQA

As described in Section 8.6, “Cultural, Historical, Paleontological, and Archaeological Resources,” of the Background Report (Appendix B), the county is archaeologically and culturally significant, with many archaeological resources located near former water and food sources. As of January 2018, 1,637 prehistoric archaeological sites have been documented within the county. Because the county is considered archaeologically rich, there is an increased likelihood for discovery of prehistoric and historic-era archaeological resources.

The land use diagram of the 2040 General Plan would accommodate future development within the Existing Community area designation (boundary) and the Urban area designation (boundary) which allows for relatively higher intensity residential, commercial, mixed use, and industrial land uses. These are areas with existing residential, commercial, and/or industrial uses developed with urban building intensities generally located adjacent to the boundaries of incorporated cities or along highway corridors such as SR 33, SR 118, SR 126, and Highway 101. The residential, commercial, mixed use, and industrial land use designations of the 2040 General Plan would apply to approximately 1.2 percent of land in the unincorporated county.

Potential uses within these designations include small- and large-lot detached single-family homes, one- to three-story attached single-family dwellings and lower density multifamily developments, mixes of commercial, office, residential, civic, and/or recreational uses, one- to two-story structures for retail and commercial services, and industrial employment-generating uses, such as production, assembly, warehousing, and distribution.

The Rural land use designation would allow for low-density and low-intensity land uses such as residential estates and other rural uses which are maintained in conjunction with agricultural and horticultural uses or in conjunction with the keeping of farm animals for recreational purposes, such as greenhouses, principal and accessory structures related to agriculture, and also oil and gas wells, and would apply to approximately 0.9 percent of land in the unincorporated county.

Approximately 97.1 percent of the unincorporated county would remain designated as either Open Space (approximately 88 percent) or Agriculture (approximately 9 percent) under the 2040 General Plan. The Open Space land use designation would allow low intensity development with a minimum parcel size of 10 acres and 1 dwelling unit per parcel. Other uses could include composting operations, greenhouses, correctional institutions, fire stations, and oil and gas wells. The Agriculture land use designation would allow for development of one dwelling unit per parcel and a minimum parcel size of 40 acres. Other uses could include greenhouses, principal and accessory structures related to agriculture, and composting operations. Proposed policies of the 2040 General Plan addressing flaring and trucking associated with new discretionary oil and gas wells could result in the construction and operation of new pipelines for the conveyance of oil, gas, or produced water.

Generally, the likelihood of discovering archaeological materials, features, or sites would be greater in areas that have been previously undeveloped, such as vacant property or rural or open space uses. However, it is possible that such resources could be discovered through project-level construction in areas that contain native fill or soil. Though buildout of the 2040 General Plan includes areas which have previously been developed, future projects could also occur in more rural areas of the county. Therefore, discretionary development that could occur during the planning horizon of the 2040 General Plan could be in areas of high archaeological sensitivity and could encounter previously undiscovered or unrecorded archaeological sites, materials, or features. Ground-disturbance associated with project-level construction activities could damage or destroy previously undiscovered archaeological features or sites, thereby resulting in a substantial change in the significance of the resource (as defined in PRC 5024.1 and CEQA Guidelines Section 15064.5). As a result, these activities could result in the adverse alteration of a physical characteristics of an archaeological resource that could prevent the resource from being included on a local, State, or federal register of historic resources.

As detailed in Section 8.6 of the Background Report (Appendix B), there are a number of State and local regulations and programs in place that protect archaeological resources in the county. Relevant regulations and programs include:

- ▶ Section 106 of the National Historic Preservation Act,
- ▶ CEQA Section 15064.5,
- ▶ Ventura County Coastal Zoning Ordinance,

- ▶ Ventura County Non-Coastal Zoning Ordinance,
- ▶ 2011 Ventura County ISAG, and
- ▶ Ventura County Specific Area Plans

Section 106 of the National Historic Preservation Act and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in or may be eligible for listing in the National Register of Historic Places (NRHP). Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee recognition in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. Public Resources Code, Section 21083.2, subdivision (g), states that unique archaeological resource means 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 contains scientific importance, contains particular qualities such as being the best or oldest example of its type, or is associated with prehistoric or historic event or person.

The Ventura County Coastal and Non-Coastal Zoning Ordinances provide guidelines for development within areas under their respective jurisdictions. The ordinances contain measures for the avoidance and protection of archaeological resources. The ordinances also provide requirements and protocol (i.e. Phase I and II inventories) in the event that any resources are identified or discovered during construction activities of specific development types (infrastructure and emergency shelter projects). As previously described in Section 4.5.1, “Background Report Setting Updates,” a Phase I inventory would require a CHRIS record search, Sacred Lands File search, a surface survey to determine the presence or absence of archaeological resources, and a report containing findings. Phase II inventories involve subsurface exploration (i.e., hand or auger excavations, shovel test pits or trenches), a determination of resource boundaries, an analysis of recovered materials, and an assessment to determine the resource integrity (Ventura County 2017a, 2017b).

The Ventura County ISAG contains guidance of assessing and determining impacts to archaeological resources. These include, but are not limited to, conducting records searches with the CHRIS information center, surface surveys, and preparations of assessments by a qualified archaeological assessment. In the event that mitigation is required to reduce potentially significant impacts from occurring, the ISAG provides recommendations such as, avoidance, capping or covering, and partial or total salvage (Ventura County 2011).

The 2040 General Plan also includes several policies related to archaeological resources. These policies further described above in “General Plan Update Policies and Implementation Programs,” include COS-4.1, COS-4.2, COS-4.4, and COS-4.7. Policies COS-4.1 and COS-4.2, require County maintenance of an archaeological resources inventory and preservation of known resources.

Policies COS-4.1 and COS-4.2 do not fully ensure protection archaeological resources, but rather, provide best practices and preservation options for previously identified, known resources. Policy COS-4.4 requires discretionary development projects to evaluate impacts to archaeological resources, be designed to avoid impacts, and be mitigated to the extent feasible. However, Policy COS-4.4 does not clearly identify the standards to which potential archaeological resources shall be assessed and does not provide guidance for consistent application of the policy. Similarly, Policy COS-4.7 requires coordination with the Cultural Heritage Board, however, the requirement to coordinate does not clearly identify the nature of coordination or the desired outcome.

The Ventura County Area Plan policies, listed above, contain additional requirements and guidance to protect archaeological resources. Some examples include resource avoidance, siting requirements, and implementation of project-specific mitigation measures. As described above in “Background Report Setting Updates,” the Ventura County Coastal and Non-Coastal Zoning Ordinance, as well as the Area Plans, apply to discretionary development within specific areas of the County (e.g., Ojai Valley Plan Area, Piru Plan Area, etc.), or to specific types of development (e.g., emergency shelter and infrastructure).

As previously described in Impact 4.5-1, higher intensity development under the 2040 General Plan would be concentrated within the Existing Community area designation (boundary) and Urban area designation (boundary) which are generally existing developed areas. However, lower intensity future development would be allowed to occur in undeveloped areas, such as under the Rural, Open Space, and Agricultural land use designations. Additionally, State and local regulations, requirements, and programs in place to reduce potential adverse impacts to archaeological resources. However, because of the programmatic level of analysis and because there is the possibility that future development under the 2040 General Plan could result in the discovery, damage, or alteration of an archaeological resource, full protection of these resources, (even with implementation of regulations, requirements, and local programs), cannot be guaranteed. Impacts would be **potentially significant**.

### Mitigation Measures

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

The County shall include the following revised policy in the 2040 General Plan.

**Policy COS-4.4: Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation**

The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources, and shall avoid potential impacts ~~to these resources whenever~~ to the maximum extent feasible. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of feasible mitigation and/or shall be mitigated by extracting extraction of maximum recoverable data.

### **Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research**

The County shall include the following new implementation program in the 2040 General Plan.

#### **Implementation Program COS-X: Cultural Records Research**

As part of a discretionary application process, project applicants (Ventura County for County projects) shall initiate a records search and Sacred Lands File search with the South Central Coastal Information Center.

### **Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures**

The County shall include the following new implementation program in the 2040 General Plan.

#### **Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures**

For discretionary projects, the County shall require the following:

- ▶ Projects shall be designed to protect existing resources and shall avoid potential impacts to the maximum extent feasible.
- ▶ If determined necessary by the County, an archaeological, paleontological, and/or Native American monitor shall be retained to monitor ground-disturbing activities during construction.
- ▶ If any materials or artifacts are discovered during ground disturbance and/or construction activities, construction shall halt until a qualified archaeologist, paleontologist, or Native American monitor can access the discovery. A report or memorandum shall be prepared by the qualified monitor documenting any findings and identifying recommendations for protection or avoidance of discovered resources. Recommendations or mitigation identified by the qualified monitor shall be implemented prior to commencing or continuing project activities and/or construction.

#### **Significance after Mitigation**

Implementation of Mitigation Measures CUL-1a, 1b, and 1c would require that discretionary development projects protect existing resources, avoid potential impacts to the maximum extent feasible, and implement feasible mitigation measures to reduce impacts to less than significant. However, it is still possible that future development resulting from the 2040 General Plan could uncover previously unknown archaeological resources during project-level construction activities, the discovery of which may result in damage, destruction, or changes in significance, of the resource. Therefore, the full protection of archaeological resources cannot be guaranteed at this program level of analysis. Impacts to archaeological resources would be **significant and unavoidable**.

### **Impact 4.5-2: Substantial Adverse Change in the Significance of a Historic Resource Pursuant to PRC 5024.1 and CEQA**

As described in Section 8.6, “Cultural, Historical, Paleontological, and Archaeological Resources” of the Background Report (Appendix B), there are significant historic resources within Ventura County, including federally, State, and locally recognized resources. Many of these resources meet the definition of historic resource under Section 15064.5(a) of the CEQA

Guidelines and under PRC 5024.1. To date, over 282 historic sites have been documented within Ventura County. As of January 2018, 36 sites are listed in the NRHP, one site is listed as National Historic Landmark (Rancho Camulos), 46 sites are listed on the California Register of Historical Resources, and 14 sites are designated as California Landmarks. Additionally, 177 sites are designated as Ventura County Historical Landmarks, 11 sites are listed on the Ventura County Historical Points of Interest, and 566 sites are listed as Ventura County Sites of Merit.

As described in Impact 4.5-1, future development that could be accommodated under the 2040 General Plan within urban or existing developed areas (where existing historic features, buildings, and structures are located). Further, future development under the 2040 General Plan could be in areas with known historical sites, or in areas where structures have not yet been evaluated for historical significance. Buildings that are over the age of 50 years old and are proposed for modification or alteration would require future evaluations to determine eligibility for California Register of Historical Resources (CRHR) and/or NRHP listing, and some of these buildings could be determined to be historically significant. The ISAG includes protocol and guidance for evaluating potentially historic resources, including preparation of historic resources report, as determined by the Cultural Heritage Board.

Because future development under the 2040 General Plan may be in areas where listed, eligible, or not-yet-evaluated historic resources would be located, damage to or destruction of a building or structure that is a designated historic resource, eligible for listing as a historic resource, or a potential historic resource that has not yet been evaluated, could result in a change in its historical significance.

As detailed in Section 8.6, "Cultural, Historical, Paleontological, and Archaeological Resources," of the Background Report (Appendix B), there are several federal, State, and local regulations and programs in place to protect historical resources in the county including:

- ▶ Section 106 of the National Historic Preservation Act,
- ▶ CEQA Guidelines Section 15064.5,
- ▶ PRC Section 5024.1,
- ▶ Ventura County Coastal Zoning Ordinance,
- ▶ Ventura County Non-Coastal Zoning Ordinances,
- ▶ the Ventura County ISAG,
- ▶ the Ventura County Cultural Heritage Ordinance, and
- ▶ Ventura County Area Plans.

As previously described in Impact 4.5-1, Section 106 of the National Historic Preservation Act and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in, or may be eligible for listing in, the NRHP.

CEQA requires public agencies to consider the effects of their actions on “historical resources.” Pursuant to 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.” Under CEQA Guidelines Section 15064.5(1), historical resources include those listed or determined eligible for listing in the CRHR, those listed in an local register, meeting the requirements of PRC 5024.1, or an object, building, site, area, place, record, or manuscript that has been determined to be significant by a lead agency. Generally, a resource is considered to be historically significant if it meets the criteria for CRHR listing (as defined in PRC 5024.1).

PRC 5024.1 established the CRHR. The California Register is an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

The Ventura County Coastal and Non-Coastal Zoning Ordinances (previously described in Impact 4.5-1) contain measures for protection of historic resources through project siting, avoidance, and preservation. (Ventura County 2017a, 2017b).

The Ventura County ISAG provides the following guidance for assessing and determining impacts to historical resources: conducting records searches with the appropriate CHRIS information center, preparation of a historic resources report by a qualified architectural historian, avoidance of known resources, and compliance with Secretary of the Interior’s Standards for the Treatment of Historic Properties (Ventura County 2011).

The Ventura County Cultural Heritage Board Ordinance establishes, updates, and maintains a list of buildings, structures, objects, and sites of historical, architectural, community, or aesthetic merit. The Board holds several responsibilities related to the preservation and protection of historical resources, including but not limited to, provision of resource recommendations, maintenance of the Local Register of Historic Places, recommendations for zoning, designation of cultural heritage sites, and conducting surveys (Ventura County n.d.).

Additionally, the 2040 General Plan includes several policies related to historical resources. Policies COS-4.1, COS-4.2, COS-4.3, COS-4.4, and COS-4.5, COS-4.6, and COS 4.7 would require maintenance of a historical resources inventory, preservation of known resources, historic landmark designations and preservations, project-level environmental review, coordination with the Cultural Heritage Board, as well as encouragement of adaptive reuse and incorporation of architectural designs that reflect historic values.

The Ventura County Area Plan policies, listed above, contain additional requirements and guidance to protect historic resources. Some examples include resource avoidance, siting requirements, and implementation of project-specific mitigation measures. As described above in “Background Report Setting Updates,” the Ventura County Coastal and Non-Coastal Zoning Ordinance, as well as the Area Plans, apply to discretionary development within specific areas of the County (e.g., Ojai Valley Plan Area, Piru Plan Area, etc.), or to specific types of development (e.g., emergency shelter and infrastructure). Therefore, it is possible that future development resulting from the 2040 General Plan update would not be covered under these programs and subsequently would not be required to comply with the regulations and policies outlined in these programs. Thus, it cannot be guaranteed at this time that historic resources would be protected and/or avoided under all circumstances.

While the previously identified regulations, requirements, programs, and policies aim to protect historical resources, they do not fully ensure that no adverse impacts would occur to listed, eligible, or not yet evaluated historic resources. Further, it may not be feasible to design all future development that could occur under the 2040 General Plan such that it avoids alteration of significant historical resources. Therefore, because existing County programs and policy documents, in addition to the 2040 General Plan policies, would not guarantee full protection or avoidance of identified resources in all circumstances, impacts to historical resources would be **potentially significant**.

#### Mitigation Measures

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research

Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures

Mitigation Measure CUL-2: Revised Policy COS-4.7: Cultural Heritage Board Review

The County shall include the following revised policy in the 2040 General Plan.

#### **Policy COS-4.7: Cultural Heritage Board Review**

Prior to environmental review of discretionary development projects, the County shall initiate a records search request with the South Central Coastal Information Center and coordinate with the Cultural Heritage Board to identify sites of potential archaeological, historical, tribal cultural and paleontological significance, to ensure that all known resources have been properly identified. Should a site of archaeological, tribal, architectural, or historical significance be identified, the County shall provide an opportunity for the Cultural Heritage Board to include recommendations specific to the discretionary project and identified resource(s). If it is determined during the review that ~~determine whether~~ a site has potential archaeological, tribal, architectural, or historical significance, ~~and provide this information shall be provided~~ to the County Cultural Heritage Board for evaluation, ~~and recommendation~~ Recommendations identified by the Cultural Heritage Board shall be provided to the appropriate decision-making body.

Mitigation Measure CUL-3: New Implementation Program COS-X: Project-Level Historic Surveys and Protection of Historic Resources

The County shall include the following new implementation program in the 2040 General Plan.

#### **Implementation Program COS-X: Project-Level Historic Surveys and Protection of Historic Resources**

During project-specific environmental review of discretionary development, the County shall define the project's area of potential effect for historic buildings and structures. The County shall determine the potential for the project to result in historic resource impacts, based on the extent of ground disturbance and site modification anticipated for the project. The potential for adverse impacts to historic resources shall also be determined pursuant to the requirements and protocol set forth in the Ventura County ISAG and Cultural Heritage Board Ordinance.

Before altering or otherwise affecting a building or structure 50 years old or older, the project-applicant shall retain a qualified architectural historian according to the Secretary of the Interior Standards, to record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation, if the building has not previously been evaluated. Its significance shall be assessed by a qualified architectural historian, using the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance of the structure in the county and the region. For buildings or structures that do not meet PRC 5024.1 or the CEQA criteria for historical resource, no further mitigation is required.

For a building or structure that qualifies as a historic resource, the architectural historian and the County shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. These could include preserving a building on the margin of the project site, using it “as is,” or other measures that would not alter the building. If the project cannot avoid modifications to a historic building or structure, the following shall be considered:

- 1) If the building or structure can be preserved on site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
- 2) If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the County shall ensure that a qualified architectural historian thoroughly documents the building and associated landscape and setting. Documentation shall include still and video photography and a written documentary record/history of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. The record shall be prepared in consultation with State Historic Preservation Officer and filed with the Office of Historic Preservation. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.
- 3) If preservation and reuse at the site are not feasible, the historical building shall be documented as described in item (2) and, when physically and financially feasible, be moved and preserved or reused.
- 4) If, in the opinion of the qualified architectural historian, the nature and significance of the building is such that its demolition or destruction cannot be fully mitigated through documentation, the County shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the proposed project that would allow the structure to be preserved intact. These could include project redesign, relocation or abandonment. If no such measures are feasible, the historical building shall be documented as described in item (2).

#### Significance after Mitigation

Implementation of Mitigation Measures CUL-1a, 1b, and 1c would require that discretionary development projects protect existing resources, avoid potential impacts to the maximum

extent feasible, and implement feasible mitigation measures to reduce impacts to less than significant.

Implementation of Mitigation Measure CUL-2 would require the identification of listed, eligible, or unevaluated sites in coordination with the Cultural Heritage Board. Further, policy modifications provide the opportunity for the Cultural Heritage Board to offer project-level recommendations and guidance to ensure that efforts are made to avoid, preserve, or otherwise mitigate impacts to historic resources.

Implementation of Mitigation Measure CUL-3 provides on-site preservation guidance, and in the event that a structure or resource cannot be preserved, it ensures that actions would be taken to record, evaluate, avoid, or otherwise treat a listed, eligible, or previously unevaluated historic resource appropriately, in accordance with pertinent laws and regulations.

Through compliance with existing federal, State, and local regulations, and implementation of mitigation measures, the potential for adverse effects to historic resources would be substantially reduced. However, preservation, reuse, maintenance, and/or avoidance of historical resources may not always be feasible, and recordation of a significant historic resource does not constitute adequate mitigation for a substantial adverse change to that resource. Therefore, because the potential for permanent loss of a historic resource cannot be precluded, impacts to historical resources are considered **significant and unavoidable**.

#### **Impact 4.5-3: Substantial Adverse Change in the Significance of a Tribal Cultural Resources**

Evidence of prehistoric occupation in the county dates back several thousand years. As described in Section 8.6, “Cultural, Historical, Paleontological, and Archaeological Resources” of Background Report (Appendix B), the county is located in an area that is culturally significant for tribal cultural resources and has one of the densest Native American populations in North America. As described in Impact 4.5-1, archaeological sites, including tribal cultural resources associated with the Native American heritage of the Chumash people, exist throughout the county. These sites have been identified in areas where former water and food sources existed. Because many Chumash sites have been identified within the plan area, the potential for discovering additional sites is considered high.

As previously described in “Environmental Setting,” in 2016 the NAHC provided the County a list of tribes affiliated with the plan area to contact. The County initiated consultation pursuant to AB 52 in 2017 with the Barbareno/Ventureno Band of Mission Indians and in 2019 with the Fernandeño Tataviam Band of Mission Indians. Consultation efforts with the Fernandeño Tataviam Band of Mission Indians have revealed that culturally sensitive tribal areas are present within the southern portion of the plan area. In September 2019, the Fernandeño Tataviam Band of Mission Indians requested review of the draft EIR and Archaeological/Cultural Resource Reports considered for the proposed 2040 General Plan, when available. As of January 2020, AB 52 consultation is still underway.

Future development that could be accommodated under the 2040 General Plan is described in Impact 4.5-1. Generally, discoveries of tribal cultural resources would be more likely to occur in areas that have been previously undeveloped, such as rural areas of the county. However, areas where native fill or soil is present may include previously undiscovered resources as well, which could include existing developed areas and undeveloped areas. In addition, it is possible that tribal cultural resources could be identified or discovered during analysis and/or development of future development under the 2040 General Plan.

California law recognizes the need to protect tribal cultural resources from inadvertent destruction and the procedures required for the treatment of tribal cultural resources, which are contained in PRC Section 21080.3.2 and Section 21084.3(a). Further, there are local regulations and programs in place to protect tribal cultural resources within the county. Relevant regulations and programs include:

- ▶ Ventura County Coastal Zoning Ordinance,
- ▶ Ventura County Non-Coastal Zoning Ordinance, and
- ▶ Ventura County Area Plans.

The Ventura County Coastal and Non-Coastal Zoning Ordinances contain measures for protection of cultural resources (including tribal cultural resources) through project siting, avoidance, preservation, and requiring mitigation if necessary (Ventura County 2017a, 2017b).

The 2040 General Plan includes several policies and implementation programs that would further reduce potential impacts to tribal cultural resources. Policies COS-4.1, COS-4.2, COS-4.4, COS-4.6, and COS 4.7 require maintenance of a cultural resources inventory, preservation of known resources, project-level environmental review, coordination with the Cultural Heritage Board, as well as encouraging future discretionary projects to incorporate architectural designs that reflect cultural values. While 2040 General Plan policies may aim to protect cultural resources, they do not clearly identify the protection of tribal cultural resources, available informational resources, and appropriate coordination efforts. As a result, these policies do not ensure that no adverse impacts would occur to known or yet unknown tribal cultural resources.

The Area Plan policies, listed above, contain additional requirements and guidance to protect tribal cultural resources. Some examples include resource avoidance, Native American consultation, and implementation of tribal monitoring during project-level construction activities.

As previously discussed, the Ventura County Coastal and Non-Coastal Zoning Ordinance, as well as the Area Plans, apply to discretionary development based on locations, or the specific type of development proposed (e.g., emergency shelter and infrastructure). Therefore, it is possible that future development resulting from the 2040 General Plan would not be covered under these programs and subsequently would not be required to comply with the regulations and policies outlined in these programs. Thus, it cannot be precluded that tribal cultural resources would be protected and/or avoided through implementation of the measures set forth in these programs. Because 2040 General Plan policies do not clearly define protection of tribal cultural resources, existing County regulations and policy documents, in addition to 2040 General Plan policies and implementation programs, would not fully ensure protection of known or unknown tribal cultural resources. This impact would be **potentially significant**.

#### Mitigation Measures

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research

Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures

Mitigation Measure CUL-2: Revised Policy COS-4.7: Cultural Heritage Board Review

Mitigation Measure CUL-4: Revised Policy COS-4.1: Cultural, Historical, Paleontological, and Archaeological Resources Inventory

The County shall include the following revised policy in the 2040 General Plan.

**Policy COS-4.1: Tribal, Cultural, Historical, Paleontological, and Archaeological Resources Inventory**

The County shall maintain an inventory of tribal, cultural, historical, paleontological, and archaeological resources in Ventura County based on project studies and secondary resources, including record studies and reports filed with natural history programs, the California Historical Resources Information System and the Native American Heritage Commission.

Mitigation Measure CUL-5: Revised Policy COS-4.2: Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation

The County shall include the following revised policy in the 2040 General Plan.

**Policy COS-4.2: Cooperation for Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation**

The County shall cooperate with cities, special districts, ~~other~~ appropriate organizations, including the Native American Heritage Commission, and private landowners to identify known tribal cultural, archaeological, historical, and paleontological resources. If necessary, the County shall engage in consultation with local tribes and preservation groups, to and preserve the county's tribal cultural, historical, paleontological, and archaeological identified resources within the county.

Significance after Mitigation

Implementation of Mitigation Measure CUL-4 would provide clearer language identifying the maintenance of a tribal cultural resource inventory. Further, policy revisions indicate that the inventory shall include recordation of previous studies and reports filed with CHRIS and the NAHC. Availability of this information, in addition to previous studies within the county, would allow for any known tribal cultural resources to be identified prior to project-level analysis.

Implementation of Mitigation Measure CUL-5 would provide clearer language related to the preservation of tribal cultural resources, identify coordination with the NAHC, and require when necessary consultation with tribal and preservation groups.

Implementation of Mitigation Measures CUL-1a, 1b, and 1c would require that discretionary development projects protect existing resources, avoid potential impacts to the maximum extent feasible, and implement feasible mitigation measures to reduce impacts to less than significant.

Implementation of Mitigation Measure CUL-2 also would require the identification of listed, eligible, or unevaluated sites in coordination with the Cultural Heritage Board. Further, policy modifications provide the opportunity for the Cultural Heritage Board to offer project-level

recommendations and guidance to ensure that efforts are made to avoid, preserve, or otherwise mitigate impacts to tribal cultural resources.

Through compliance with existing regulations related to tribal cultural resources, in addition to implementation of these mitigation measures, impacts to tribal cultural resources would be substantially reduced. However, it is still possible that future development under the 2040 General Plan could result in the discovery of tribal cultural resources through project-level construction activities. Discovery of such resources could result in damage, destruction, or changes in significance of the resource. Therefore, the preservation and protection of unknown tribal cultural resources cannot be guaranteed. This impact would be **significant and unavoidable**.

**Impact 4.5-4: Result in Grading and Excavation of Fossiliferous Rock or Increase Access Opportunities and Unauthorized Collection of Fossil Materials from Valuable Sites**

As described in Section 8.6, “Cultural, Historical, Paleontological, and Archaeological Resources,” of the Background Report (Appendix B), the county contains a variety of paleontological resources. Specifically, the coastal and interior zone of the county contain areas with marine and terrestrial fossils. As of January 2017, 316 vertebrate fossil localities have been documented within the county.

Future development that could be accommodated under the 2040 General Plan is described in Impact 4.5-1. Similar to archaeological resources, impacts to paleontological resources would be more likely to occur in areas that are previously undeveloped or are located in more rural portions of the county. However, it is possible that such resources could be discovered through project-level construction in existing developed areas that contain native fill or soil. Therefore, adverse effects to paleontological resources could occur through project-level construction activities, such as earth-moving and ground disturbance. Specifically, grading and excavation of known fossiliferous rock would result in the loss of known or yet undiscovered paleontological resources. Further, unsecure areas could result in increased access to paleontologically sensitive areas and subsequently, the unauthorized collection of fossil materials. As a result, known and yet undiscovered resources could be lost and/or destroyed.

As described in Section 8.6, “Cultural, Historical, Paleontological, and Archaeological Resources” of the Background Report (Appendix B), there are State and local regulations and guidance in place to protect paleontological resources within the county. Relevant programs include:

- ▶ Ventura County Coastal Zoning Ordinance,
- ▶ Ventura County Non-Coastal Zoning Ordinance, and
- ▶ the 2011 Ventura County ISAG.

The Ventura County Coastal and Non-Coastal Zoning Ordinances contain measures for the avoidance and protection of paleontological resources through project-specific siting, as well as avoidance and preservation of known or identified resources (Ventura County 2017a, 2017b).

The Ventura County ISAG contains guidance of assessing and determining impacts to paleontological resources. These include conducting preliminary geological assessments and

consultant or professional geologist-prepared assessments (including literature review, surveys, and geotechnical studies). In the event that mitigation is required to reduce potentially significant impacts from occurring, the ISAG provides recommendations such as, construction monitoring, documentation, and resource collection (Ventura County 2011).

The 2040 General Plan includes several policies related to paleontological resources. As described above in “General Plan Update Policies and Implementation Programs,” Policies COS-4.1, COS-4.2, and COS-4.4 require maintenance of a paleontological resource inventory, preservation of known resources, and project-level environmental review. While these 2040 General Plan policies may aim to protect paleontological resources, they do not clearly identify available informational resources for inventory maintenance, appropriate coordination efforts, or the standards to which paleontological resources shall be assessed.

The Ventura County Area Plan policies, listed above, contain additional requirements and guidance to protect paleontological resources. Some examples include resource avoidance, siting requirements, and implementation of project-specific mitigation measures. As described above in “Background Report Setting Updates,” the Ventura County Coastal and Non-Coastal Zoning Ordinance, as well as the Area Plans, apply to discretionary development within specific areas of the County (e.g., Ojai Valley Plan Area, Piru Plan Area), or to specific types of development (e.g., emergency shelter and infrastructure). Therefore, it is possible that future development resulting from the 2040 General Plan update would not be covered under these programs and subsequently would not be required to comply with the regulations and policies outlined in these programs. Thus, it cannot be precluded that paleontological resources would be protected and/or avoided.

For these reasons, existing county programs and requirements, in addition to the identified 2040 General Plan policies, would not fully ensure the protection of fossiliferous rock nor would they preclude the unauthorized access and/or collection of fossil materials from valuable sites. Further, it may not be feasible to design a project such that it avoids adverse impacts to paleontological resources or prevents the unauthorized access to fossil materials. This impact would be **potentially significant**.

#### Mitigation Measures

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research

Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures

Mitigation Measure CUL-4: Revised Policy COS-4.1: Cultural, Historical, Paleontological, and Archaeological Resources Inventory

Mitigation Measure CUL-5: Revised Policy COS-4.2: Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-6: New Implementation Program COS-X: Implement Project-Level Security Measures  
The County shall include the following new implementation program in the 2040 General Plan.

**Implementation Program COS-X: Implement Project-Level Security Measures**

During project-level ground disturbance activities for discretionary development, in areas where paleontologically rich sites are known to be present, project sites shall be secured during non-construction hours to ensure that the unauthorized access and the unlawful curation of fossil materials does not occur. Such security measures may include construction fencing, unauthorized access signage, security lighting, and security cameras. For large-scale development, a security plan may be prepared prior to construction activities to detail security measures and protocol for the project site.

**Significance after Mitigation**

Implementation of Mitigation Measures CUL-1a, 1b, and 1c would require that discretionary development projects protect existing resources, avoid potential impacts to the maximum extent feasible, and implement feasible mitigation measures to reduce impacts to less than significant.

Implementation of Mitigation Measure CUL-4 would provide clearer language identifying the maintenance of a paleontological resource inventory and indicate that inclusion of previous studies and reports filed with natural history programs and CHRIS. Availability of this information, in addition to previous studies within the county, would allow for any known paleontological sites and resources to be identified during project-level analysis.

Implementation of Mitigation Measure CUL-5 would provide clearer language related to the preservation of paleontological resources and encourages consultation with local preservation groups. Implementation of Mitigation Measure CUL-6 would require that proper security measures be taken during project-level development to prevent the unauthorized access to paleontologically rich sites and the unlawful collection of fossil materials

Through compliance with existing regulations, implementation of the mitigation measures described above, the potential for adverse effects related to the loss of paleontological resources (either through construction activities or the unauthorized access and curation of fossil materials) would be substantially reduced. However, protection of paleontological resources may not always be feasible, as it is possible that materials and sites could be accessed unlawfully or could not be entirely avoided during construction activity. Therefore, because the potential for permanent loss of a paleontological resource cannot be guaranteed, impacts to paleontological resources, including fossiliferous rock and fossil sites would be **significant and unavoidable**.