APPENDIX E

NATIVE AMERICAN CONSULTATION

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CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU

October 28, 2019

Mr. Andrew Salas
PO Box 393
Covina, CA 91723

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8267)

Re: AB 52 Consultation with the Gabrieleno Band of Mission Indians – Kizh Nation for the Davenport Park Expansion Project.

Dear Mr. Salas:

Please let this letter serve as notification that the City of Long Beach, as the lead agency, is initiating consultation in compliance with Assembly (AB) 52 for the Davenport Park Expansion Project. Please consider this letter and preliminary project information as the initiation of the California Environmental Quality Act procedures, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52).

Under AB 52, the Gabrieleno Band of Mission Indians – Kizh Nation has 30 days upon receipt of this letter to request consultation regarding the Davenport Park Expansion Project. Please respond within the above timeframe, pursuant to PRC Section 21080.3.1(d) if you would like to consult on this project.

Project Description: The project site is located on Assessor's Parcel Number (APN) 7157-006-905, at 5550 Paramount Boulevard, in Long Beach, California. The rectangular parcel is currently undeveloped. The project proposes to expand Davenport Park, located directly east of the project site at 2910 East 55th Way. The existing site and the adjacent 5.5-acre Davenport Park site were formerly occupied by a municipal waste landfill and later by the Cal Coast Packing Crating Company. The industrial use is no longer in operation on the site, and the landfill has since been closed and capped in compliance with the California Department of Resources, Recycling, and Recovery (CalRecycle) Closed, Illegal, and Abandoned Disposal Site (CIA) program and the CalRecycle Solid Waste Cleanup Program (Assembly Bill [AB] 2136). The existing site is characterized by the presence of scattered vegetation and soil.

The proposed project would expand the existing 5.5-acre Davenport Park by approximately 6 acres, for total park size of approximately 11.5 acres. Features included as part of the park expansion would include a sports field at the center of the site, a parking lot on the northern portion of the site, and picnic facilities. The park would include landscaping, irrigation, walking paths, seating areas, and trash receptacles. In addition, security lighting

would be provided throughout the project site. A skate park and fitness equipment pads would be included in a future phase.

As a matter of policy, the City requires a tribal monitor be given access to any construction site during grading activities. Typical condition text is found below:

> Prior to the issuance of any Grading Permit for the project, the City of Long Beach Development Services Department shall ensure that the construction contractor provide access for Native American monitoring during ground-disturbing activities. This provision shall be included on project plans and specifications. The site shall be made accessible to any Native American tribe requesting to be present, provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall be approved by a local tribal representative and shall be present on-site during the construction phases that involve any ground disturbing activities. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the CEQA, California Public Resources Code Division 13, Section 21083.2 (a) through (k). Neither the City of Long Beach, project applicant, nor construction contractor shall be financially obligated for any monitoring activities. If evidence of any tribal cultural resources is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt construction in the immediate vicinity of the find, in order to recover and/or determine the appropriate plan of recovery for the resource. The recovery process shall not unreasonably delay the construction process. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has determined that the site has a low potential for archaeological resources.

Additionally, the following are typical mitigation measures the City has required as part of the Mitigation Monitoring and Reporting Program for an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND):

- **Retention of Qualified Archaeologist and Worker Training.** Prior to the issuance of a grading permit by the City of Long Beach, evidence shall be provided to the City that a qualified archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Secretary of the Interior 2008) has been retained by the Applicant to conduct any required training, evaluation, or treatment of archaeological resources that might be encountered during implementation of the project. As part of this, prior to the start of grading, the qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel must be informed of the types of archaeological resources that may be encountered (both prehistoric and historical), and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The Applicant must ensure that construction personnel are made available for and attend the training and retain documentation

demonstrating attendance. This documentation shall be made available to the City upon request.

- **Native American Monitoring.** A Native American monitor from the tribe or tribes identified as a consulting party for the project under AB 52 shall be present during all earth-moving construction activities. The Native American monitor shall be given the opportunity to participate in the cultural resources sensitivity training described in the preceding mitigation measure. At least 30 days prior to issuance of grading permits by the City of Long Beach for each of the four individual sites and any off-site improvements, a Native American Monitoring Agreement (Monitoring Agreement) shall be developed between the City and the consulting party. The Monitoring Agreement shall pertain to prehistoric archaeological resources and Tribal cultural resources, respectively, and shall identify any monitoring requirements and treatment of cultural resources to meet both the requirements of CEQA and those of the Tribal representative. The Monitoring Agreement shall also address communication protocols in the event of an unanticipated discovery of cultural materials, and the roles, responsibilities, and authorities of the Native American Monitor. The Monitoring Agreement shall also detail the protocols for treatment and final disposition of any Native American cultural resources, sacred sites, and human remains discovered on the site that the Native American Monitor shall implement in consultation and coordination with the Native American Most Likely Descendant, as identified by the NAHC. In accordance with the mitigation measure below, discovery and treatment of human remains shall comply with State Health and Safety Code Section 7050.5 and PRC Section 5097.98.

- **Archaeological Resource and/or Tribal Cultural Resource Discovery and Treatment.** In the event of the unanticipated discovery of archaeological or other cultural resources, whether discovered through Native American monitoring or not, all work activities in the area (within approximately 100 feet of the discovery) shall be halted or redirected until the discovery can be evaluated by a qualified archaeologist. Construction shall not resume until a qualified archaeologist has conferred with the City and, in the case of prehistoric archaeological resources and tribal cultural resources, the Native American monitor, on the significance of the resource. If it is determined that the discovered archaeological resource and/or tribal cultural resource is significant under CEQA, avoidance and preservation in place shall be the preferred manner of mitigation, pursuant to PRC Section 21083.2(b) and Section 21084.3. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Treatment Plan shall be prepared and implemented by a qualified archaeologist, in consultation with the City, that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource or cultural information in the event of a tribal cultural resource. The City shall also consult with appropriate Native American representatives in determining treatment for prehistoric or Native American

resources to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered. Any evaluation and treatment shall be supervised by an individual or individuals that meet the Secretary of the Interior's Professional Qualification Standards.

- **Treatment of Human Remains.** In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the Los Angeles County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains (100 feet or as determined by the project archaeologist) shall occur until the procedures set forth in this measure have been implemented. If the County Coroner determines that the remains are, or are believed to be, Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with California PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

To ensure compliance with AB 52, the City respectfully requests that you assist us by providing any relevant information you may have regarding tribal cultural resources within the project area boundaries. Your comments and concerns are important to the City's planning process. If you have any questions or concerns with the Project, please contact:

Maryanne Cronin, Project Planner
Department of Development Services, Planning Bureau
411 West Ocean Blvd., 3rd floor
Long Beach, CA 90802
maryanne.cronin@longbeach.gov

I can also be reached by phone at (562) 570-5683.

Sincerely,

Maryanne Cronin
Project Planner

Attachments: Site Vicinity Map
Site Plan

1:3,127
0
0.0375
0.075
0.15 mi
0
0.05
0.1
0.2 km
October 28, 2019

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PLANNING BUREAU

October 28, 2019

Mr. Joseph Ontiveros
PO Box 487
San Jacinto, CA 92581

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8274)

Re: AB 52 Consultation with the Soboba Band of Luiseno Indians for the Davenport Park Expansion Project.

Dear Mr. Ontiveros:

Please let this letter serve as notification that the City of Long Beach, as the lead agency, is initiating consultation in compliance with Assembly (AB) 52 for the Davenport Park Expansion Project. Please consider this letter and preliminary project information as the initiation of the California Environmental Quality Act procedures, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52).

Under AB 52, the Soboba Band of Luiseno Indians has 30 days upon receipt of this letter to request consultation regarding the Davenport Park Expansion Project. Please respond within the above timeframe, pursuant to PRC Section 21080.3.1(d) if you would like to consult on this project.

Project Description: The project site is located on Assessor's Parcel Number (APN) 7157-006-905, at 5550 Paramount Boulevard, in Long Beach, California. The rectangular parcel is currently undeveloped. The project proposes to expand Davenport Park, located directly east of the project site at 2910 East 55th Way. The existing site and the adjacent 5.5-acre Davenport Park site were formerly occupied by a municipal waste landfill and later by the Cal Coast Packing Crating Company. The industrial use is no longer in operation on the site, and the landfill has since been closed and capped in compliance with the California Department of Resources, Recycling, and Recovery (CalRecycle) Closed, Illegal, and Abandoned Disposal Site (CIA) program and the CalRecycle Solid Waste Cleanup Program (Assembly Bill [AB] 2136). The existing site is characterized by the presence of scattered vegetation and soil.

The proposed project would expand the existing 5.5-acre Davenport Park by approximately 6 acres, for total park size of approximately 11.5 acres. Features included as part of the park expansion would include a sports field at the center of the site, a parking lot on the northern portion of the site, and picnic facilities. The park would include landscaping, irrigation, walking paths, seating areas, and trash receptacles. In addition, security lighting

would be provided throughout the project site. A skate park and fitness equipment pads would be included in a future phase.

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PLANNING BUREAU

October 28, 2019

Mr. Anthony Morales
PO Box 693
San Gabriel, CA 91778

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8304)

Re: AB 52 Consultation with the Gabrieleno/Tongva San Gabriel Band of Mission Indians for the Davenport Park Expansion Project.

Dear Mr. Morales:

Please let this letter serve as notification that the City of Long Beach, as the lead agency, is initiating consultation in compliance with Assembly (AB) 52 for the Davenport Park Expansion Project. Please consider this letter and preliminary project information as the initiation of the California Environmental Quality Act procedures, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52).

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Department of Development Services, Planning Bureau
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Long Beach, CA 90802
maryanne.cronin@longbeach.gov

I can also be reached by phone at (562) 570-5683.

Sincerely,

Maryanne Cronin
Project Planner

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PLANNING BUREAU

October 28, 2019

Mr. Michael Mirelez
PO Box 1160
Thermal, CA 92274

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8335)

Re: AB 52 Consultation with the Torres Martinez Desert Cahuilla Indians for the Davenport Park Expansion Project.

Dear Mr. Mirelez:

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To ensure compliance with AB 52, the City respectfully requests that you assist us by providing any relevant information you may have regarding tribal cultural resources within the project area boundaries. Your comments and concerns are important to the City's planning process. If you have any questions or concerns with the Project, please contact:

Maryanne Cronin, Project Planner
Department of Development Services, Planning Bureau
411 West Ocean Blvd., 3rd floor
Long Beach, CA 90802
maryanne.cronin@longbeach.gov

I can also be reached by phone at (562) 570-5683.

Sincerely,

Maryanne Cronin
Project Planner

Attachments: Site Vicinity Map
Site Plan

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CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU

October 28, 2019

Ms. Sandonne Goad
106 ½ Judge John Aiso Street, #231
Los Angeles, CA 90012

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8359)

Re: AB 52 Consultation with the Gabrielino/Tongva Nation for the Davenport Park Expansion Project.

Dear Ms. Goad:

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DEPARTMENT OF DEVELOPMENT SERVICES

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PLANNING BUREAU

October 28, 2019

Mr. Robert Dorame
PO Box 490
Bellflower, CA 90707

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8311)

Re: AB 52 Consultation with the Gabrieleno Tongva Indians of California Tribal Council for the Davenport Park Expansion Project.

Dear Mr. Dorame:

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DEPARTMENT OF DEVELOPMENT SERVICES

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PLANNING BUREAU

October 28, 2019

Ms. Linda Candelaria
80839 Camino Santa Juliana
Indio, CA 92203

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8380)

Re: AB 52 Consultation with the Gabrielino-Tongva Tribe for the Davenport Park Expansion Project.

Dear Ms. Candelaria:

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Additionally, the following are typical mitigation measures the City has required as part of the Mitigation Monitoring and Reporting Program for an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND):

- **Retention of Qualified Archaeologist and Worker Training.** Prior to the issuance of a grading permit by the City of Long Beach, evidence shall be provided to the City that a qualified archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Secretary of the Interior 2008) has been retained by the Applicant to conduct any required training, evaluation, or treatment of archaeological resources that might be encountered during implementation of the project. As part of this, prior to the start of grading, the qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel must be informed of the types of archaeological resources that may be encountered (both prehistoric and historical), and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The Applicant must ensure that construction personnel are made available for and attend the training and retain documentation

demonstrating attendance. This documentation shall be made available to the City upon request.

- **Native American Monitoring.** A Native American monitor from the tribe or tribes identified as a consulting party for the project under AB 52 shall be present during all earth-moving construction activities. The Native American monitor shall be given the opportunity to participate in the cultural resources sensitivity training described in the preceding mitigation measure. At least 30 days prior to issuance of grading permits by the City of Long Beach for each of the four individual sites and any off-site improvements, a Native American Monitoring Agreement (Monitoring Agreement) shall be developed between the City and the consulting party. The Monitoring Agreement shall pertain to prehistoric archaeological resources and Tribal cultural resources, respectively, and shall identify any monitoring requirements and treatment of cultural resources to meet both the requirements of CEQA and those of the Tribal representative. The Monitoring Agreement shall also address communication protocols in the event of an unanticipated discovery of cultural materials, and the roles, responsibilities, and authorities of the Native American Monitor. The Monitoring Agreement shall also detail the protocols for treatment and final disposition of any Native American cultural resources, sacred sites, and human remains discovered on the site that the Native American Monitor shall implement in consultation and coordination with the Native American Most Likely Descendant, as identified by the NAHC. In accordance with the mitigation measure below, discovery and treatment of human remains shall comply with State Health and Safety Code Section 7050.5 and PRC Section 5097.98.

- **Archaeological Resource and/or Tribal Cultural Resource Discovery and Treatment.** In the event of the unanticipated discovery of archaeological or other cultural resources, whether discovered through Native American monitoring or not, all work activities in the area (within approximately 100 feet of the discovery) shall be halted or redirected until the discovery can be evaluated by a qualified archaeologist. Construction shall not resume until a qualified archaeologist has conferred with the City and, in the case of prehistoric archaeological resources and tribal cultural resources, the Native American monitor, on the significance of the resource. If it is determined that the discovered archaeological resource and/or tribal cultural resource is significant under CEQA, avoidance and preservation in place shall be the preferred manner of mitigation, pursuant to PRC Section 21083.2(b) and Section 21084.3. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Treatment Plan shall be prepared and implemented by a qualified archaeologist, in consultation with the City, that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource or cultural information in the event of a tribal cultural resource. The City shall also consult with appropriate Native American representatives in determining treatment for prehistoric or Native American

resources to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered. Any evaluation and treatment shall be supervised by an individual or individuals that meet the Secretary of the Interior's Professional Qualification Standards.

- **Treatment of Human Remains.** In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the Los Angeles County Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains (100 feet or as determined by the project archaeologist) shall occur until the procedures set forth in this measure have been implemented. If the County Coroner determines that the remains are, or are believed to be, Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with California PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

To ensure compliance with AB 52, the City respectfully requests that you assist us by providing any relevant information you may have regarding tribal cultural resources within the project area boundaries. Your comments and concerns are important to the City's planning process. If you have any questions or concerns with the Project, please contact:

Maryanne Cronin, Project Planner
Department of Development Services, Planning Bureau
411 West Ocean Blvd., 3rd floor
Long Beach, CA 90802
maryanne.cronin@longbeach.gov

I can also be reached by phone at (562) 570-5683.

Sincerely,

Maryanne Cronin
Project Planner

Attachments: Site Vicinity Map
Site Plan

1:3,127
0
0.0375
0.075
0.15 mi
0
0.05
0.1
0.2 km
October 28, 2019

Stairs to Neighborhood at N. Orozaba Avenue Street-end
Repair Asphalt
School Bus Drop-off
Future Skate Park
Decomposed Granite Pedestrian Paths with Low-profile Lighting
Parking Landscape Trees
Benches
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Tree Masses on Berms
Bicycle Rack Area (Typ. of 2)
Sound Wall
Drought -Tolerant Plant Beds
Entry Plaza
Paramount Blvd
Preserve Existing Fence
Street Trees on Berms
Fitness Equipment Pads (Equipment in Future Phase, Typ. of 6)

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU

October 28, 2019

Mr. Charles Alvarez
23454 Vanowen St.
West Hills, CA 91307

Via US Mail and Certified Mail, Return Receipt Requested (7018 1830 0000 2094 8373)

Re: AB 52 Consultation with the Gabrielino-Tongva Tribe for the Davenport Park Expansion Project.

Dear Mr. Alvarez:

Please let this letter serve as notification that the City of Long Beach, as the lead agency, is initiating consultation in compliance with Assembly (AB) 52 for the Davenport Park Expansion Project. Please consider this letter and preliminary project information as the initiation of the California Environmental Quality Act procedures, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52).

Under AB 52, the Gabrielino-Tongva Tribe has 30 days upon receipt of this letter to request consultation regarding the Davenport Park Expansion Project. Please respond within the above timeframe, pursuant to PRC Section 21080.3.1(d) if you would like to consult on this project.

Project Description: The project site is located on Assessor's Parcel Number (APN) 7157-006-905, at 5550 Paramount Boulevard, in Long Beach, California. The rectangular parcel is currently undeveloped. The project proposes to expand Davenport Park, located directly east of the project site at 2910 East 55th Way. The existing site and the adjacent 5.5-acre Davenport Park site were formerly occupied by a municipal waste landfill and later by the Cal Coast Packing Crating Company. The industrial use is no longer in operation on the site, and the landfill has since been closed and capped in compliance with the California Department of Resources, Recycling, and Recovery (CalRecycle) Closed, Illegal, and Abandoned Disposal Site (CIA) program and the CalRecycle Solid Waste Cleanup Program (Assembly Bill [AB] 2136). The existing site is characterized by the presence of scattered vegetation and soil.

The proposed project would expand the existing 5.5-acre Davenport Park by approximately 6 acres, for total park size of approximately 11.5 acres. Features included as part of the park expansion would include a sports field at the center of the site, a parking lot on the northern portion of the site, and picnic facilities. The park would include landscaping, irrigation, walking paths, seating areas, and trash receptacles. In addition, security lighting

would be provided throughout the project site. A skate park and fitness equipment pads would be included in a future phase.

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