

## 3.12 TRIBAL CULTURAL RESOURCES

This section describes the existing tribal cultural resources (TCRs) setting of the proposed Globemaster Corridor Specific Plan (GCSP; Proposed Project), identifies associated regulatory requirements, and analyzes the potential impacts related to implementation of the Proposed Project. The following discussion focuses on the existing TCRs in the City of Long Beach (City) and more specifically, the Plan Area.

The Initial Study (IS) and Notice of Preparation (NOP) are contained in Appendix A-1, Initial Study; and Appendix A-2, Notice of Preparation, respectively. Comments regarding TCRs, received in response to the NOP (see Appendix A-3, Notice of Preparation Comment Letters) include a letter from the Native American Heritage Commission (NAHC) describing tribal consultation requirements and listing recommendations for cultural resources assessments. Recommendations included conducting a search of the California Historical Research Information System (CHRIS); conducting a field survey (if determined necessary based on the CHRIS records search results); preparing a professional report detailing the findings of the field survey and records search; conducting a Sacred Lands File (SLF) search; consulting with California Native American tribes in compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18; and including provisions for the inadvertent discovery of cultural resources during construction and the protection of such resources. As demonstrated in this section, a cultural resources assessment has been conducted for the Proposed Project, and this assessment adheres to these recommendations, as appropriate.

The IS found that the Proposed Project could have a potentially significant impact to TCRs (Appendix A-1). As such, all impacts are fully addressed in this Draft Program Environmental Impact Report (PEIR)/Draft Program Environmental Impact Statement (PEIS).

### 3.12.1 Existing Conditions

The Plan Area and immediate vicinity is characterized as an urban, developed commercial, industrial, and residential area. The Long Beach Airport borders the Plan Area on the north, east, and south. The Plan Area and some of the surrounding properties have undergone disturbance from previous development. The Plan Area consists of low- to mid-rise commercial and industrial uses.

#### CHRIS Record Search

Dudek conducted a California Historical Resources Information System (CHRIS) records search at the South Central Coastal Information Center (SCCIC) on September 5, 2018 for the Plan Area, as well as for an expanded 0.5-mile radius study area. This search included a collection of mapped prehistoric, historical, and built-environment resources; Department of Parks and Recreation (DPR) site records; technical reports; and archival resources. Additional consulted sources included historical maps of the Plan Area, the National Register of Historic Places

(NRHP), the California Register of Historical Resources (CRHR), the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility.

### Previously Conducted Cultural Resource Studies

The SCCIC records indicate that 25 previous cultural resources technical investigations have been conducted within 0.5-mile of the Plan Area between 1976 and 2014. Of these 25 investigations, seven overlap the Plan Area (Table 3.12-1). Approximately 50 percent of the Plan Area has been previously investigated.

**Table 3.12-1  
Previously Conducted Technical Studies Within 0.5-Mile of the Plan Area**

Report Number LA-	Author	Year	Report Title
*01672	Galvin, Kathleen F.	1987	Spring Street-Long Beach Boulevard to Cherry Avenue Archaeological/Historical Survey
02887	Demcak, Carol R.	1993	Cultural Resource Assessment for Proposed Project for Lakewood Boulevard (rte. 19) in the City of Long Beach, California
*03651	Cottrell, Marie G.	1976	Record Search for Area No. 1 in the City of Signal Hill
04354	Anonymous	1977	Historic Property Survey for the Proposed Heartwell Park Bike Route
*04632	Duke, Curt	1999	Cultural Resource Assessment for Pacific Bell Mobile Services Facility La 621-01, County of Los Angeles, California
04750	Duke, Curt	1999	Cultural Resource Assessment for the AT&T Wireless Services Facility Number C574, County of Los Angeles, California
05121	Duke, Curt	2000	Cultural Resource Assessment for Pacific Bell Mobile Services Facility LA 629-03, County of Los Angeles, Ca
05215	McKenna, Jeanette A.	2001	A Cultural Resources Investigation of the Proposed Long Beach Ocean Desalination Project, Long Beach, Los Angeles County, California
05405	McKenna, Jeanette A.	2000	A Phase I Cultural Resource Investigation of the City of Signal Hill Home Depot Commercial Center Plan Area, Signal Hill, Los Angeles County, California
05406	Maki, Mary K.	2001	Negative Phase I Archaeological Survey of 5.6 Acres for the Las Brisas Neighborhood Redevelopment Project City of Signal Hill, Los Angeles County, Ca
05879	Duke, Curt	2002	Cultural Resource Assessment AT&T Wireless Services Facility No. 05087a-01 Los Angeles County, California
06176	Unknown	2001	Nextel Communications CA-7809a/Kessler 3770 Cherry Avenue Lakewood, California
*06827	Strudwick, Ivan H.	1999	Results of the Cultural Resources Records Search and Survey for the Long Beach Sports Park Project Located Near Signal Hill in the City of Long Beach, Los Angeles County, California
07181	Maki, Mary K.	2005	CDC – Las Brisas II Housing Development

**Table 3.12-1  
Previously Conducted Technical Studies Within 0.5-Mile of the Plan Area**

Report Number LA-	Author	Year	Report Title
08434	Bonner, Wayne H.	2004	Cultural Resource Records Search Results and Site Visit for Nextek Communications Site Candidate Ca7747-c (new Dolphin), 2875 Junipero Avenue, Signal Hill, Los Angeles County, California
08477	Billat, Lorna	2005	Orange 405/CA-7745b, Cellular Antenna Installation on an Historic Property, 3401 Orange Avenue, Long Beach, Ca
08898	Baker, Cindy and Mary L. Maniery	2007	Cultural Resource Inventory and Evaluation of United States Army Reserve 63d Regional Readiness Command Facilities
09145	Bonner, Wayne H.	2007	Direct APE Historic Architectural Assessment for Royal Street Communications, LLC Candidate LA2892C (SCE Hinson Harbor), 2377 West Willow Street, Long Beach, Los Angeles County, California
09568	Wlodarski, Robert J.	2009	Proposed Bechtel Wireless Telecommunications Site LA0115 (Hartley Medical Building), 2888 Long Beach Blvd, Long Beach, California 90806
09574	Bonner, Wanye H., Sarah A. Williams, and Kathleen A. Crawford	2009	Cultural Resources Records Search and Site Visit Results for T-Mobile USA Candidate LA33750A (Golf Center) 2550 Orange Avenue, Signal Hill, Los Angeles County, CA
09695	Onken, Jill, Ellen Chapman, William Hayden, Ken Becker, Christopher Doolittle, and Jeffrey H. Altschul	2006	Archaeological Testing in Support of the Douglas Park Project, Long Beach, California; Statistical Research, Inc. Technical Report 06-71
*10771	Feldman, Jessica B.	2005	Historical Assessment and Impacts Discussion for the Proposed Terminal Improvements, Long Beach Airport
*11429	McKenna, Jeanette A.	2011	Archaeological/Cultural Resources Records Search, City of Lakewood Overview
*12056	Bonner, Wayne	2012	Cultural Resources Records Search and Site Visit Results for T-Mobile West, LLC Candidate LA02621A (Extra Space Storage), 2101 East Carson Street, Long Beach, Los Angeles County, California
13153	Brunzell, David	2014	Cultural Resources Assessment of the Long Beach Airport Project, Long Beach, Los Angeles County, California (BCR Consulting Project No. TRF1412)

\* Studies that overlap the Plan Area.

### Previously Recorded Cultural Resources

The SCCIC records indicate that eight resources have been previously recorded within a 0.5-mile radius of the Plan Area (Table 3.12-2, SCCIC Results: Previously Recorded Cultural Resources Within 0.5-Mile of the Plan Area). Of these resources, six are built-environment resources, two of which are located within the Plan Area. The other two resources, P-19-000838/CA-LAN-838 and P-19-000839/CA-LAN-839, are prehistoric sites comprised of shell midden deposits that were recorded in 1971, 1973, and 1987; however, these prehistoric sites were identified outside the Plan Area. Two of the built environment resources, including the Lomita Gasoline Company Building

(P-19-187112) and the Lomita Gas Company/Petrolane Compressor House (P-19-187156), have been determined eligible for listing on the CRHR and one built environment resource, the Long Beach USAR Center (P-19-187956) appears eligible for the NRHP. The Lomita Gas Company/Petrolane Compressor House is located within the Plan Area.

**Table 3.12-2**

**SCCIC Results: Previously Recorded Cultural Resources Within 0.5-Mile of the Plan Area**

Primary Number P-19-	Trinomial CA-LAN-	Description	Recorded By/Year	Eligibility Status
000838	838	Small shell midden that was identified on the western side of Signal Hill and was destroyed in March of 1976	Fenenga, G. (1971; Updated 1973)	-
000839	839	Shell midden eroding out of covering of crude asphaltum that was identified within sandy-covered tar amongst oil wells	Fenenga, G. (1971); Galvin (Updated 1987)	-
187112	-	Lomita Gasoline Company/Petrolane Office Building at 2901 Orange Avenue; HRI #066945	Woodward, Lucinda (Evaluator) (1989)	2S2: Eligible for NRHP through Section 106; Listed in CRHR
*187156	-	Lomita Gas Company/Petrolane Compressor House; HRI #066945	Gualtieri, Kathryn (State Historic Preservation Officer) (1989)	2S2: Eligible for NRHP through Section 106; Listed in CRHR
187639	-	One-story commercial building located at 3401 Orange Avenue that was constructed in 1934 in the Art Deco Style of architecture. Additions and modifications to this building occurred between 1936 and 2004; HRI #155875	Brady, Jon L. (2005)	Ineligible
187956	-	Schroeder Hall USAR Center (historic name) or Long Beach USAR Center, Facility No. CA022 is a Contemporary style building constructed in 1960 by the Directorate of Facility Engineers, For MacArthur on behalf of the U.S. Army Reserve (USAR) as a training and administrative facility	PAR Environmental Services, Inc. (2006)	3S: Appears eligible for NRHP as individual property
188438	-	Orange-Carson Plaza consists of a one-story, masonry strip-mall or suburban plaza style plaza consisting of five buildings that was developed from 1955 through 1987.	Supernowicz, Dana (2009)	6Y2: Ineligible for NRHP through Section 106
*190082	-	Storage USA Building is a commercial building that is two- and three-stories high in Modern Style architecture that was constructed in 1956 and altered in 1985-1987 and in 2004	Crawford, K.A. (2012)	6Z: Found ineligible for NR, CR or Local designation through survey evaluation.

\* Resources that occur within the Plan Area.

## Native American Coordination

### *NAHC Sacred Lands File Search*

Dudek contacted the NAHC on November 18, 2018, to request a search of the SLF for the Proposed Project. The NAHC responded via email on January 3, 2019, indicating that the search did not identify any Native American resources near the Plan Area. Because the SLF search does not include an exhaustive list of Native American cultural resources, the NAHC suggested contacting Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the Plan Area. The City received one request for consultation from the Gabrieleno Band of Mission Indians – Kizh Nation. The city completed consultation with the tribe on July 8, 2020.

### *Assembly Bill 52*

A project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment (PRC Section 21084.2). Under AB 52, a TCR must have tangible, geographically defined properties that can be impacted by project implementation. The Proposed Project is subject to compliance with AB 52.

The City sent notification of the Proposed Project to all California Native American tribal representatives that have requested project notifications from the City pursuant to AB 52 and that are on file with the NAHC as being traditionally or culturally affiliated with the geographic area on September 6, 2018. These notification letters included a project map and description inquiring if the tribe would like to consult to discuss the project and the potential to impact any TCRs. AB 52 allows tribes 30 days after receiving notification to request consultation. If a response is not received within the allotted 30 days, it is assumed that consultation is declined. To date, government-to-government consultation initiated by the City has not resulted in the identification of a TCR within or near the Plan Area. Table 3.12-3, Assembly Bill 52 Native American Tribal Outreach Results, summarizes the results of the AB 52 process for the Proposed Project. The confidential AB 52 consultation results are on file with the City.

**Table 3.12-3  
Assembly Bill 52 Native American Tribal Outreach Results**

<b>Native American Tribal Representatives</b>	<b>Method of Notification</b>	<b>Response to City Notification Letters</b>
Andrew Salas, Chairperson Gabrieleno Band of Mission Indians – Kizh Nation	Certified Mail; September 6, 2018	Request for Consultation; Consultation concluded July 8, 2020
Anthony Morales, Chairperson Gabrieleno/Tongva San Gabriel Band of Mission Indians	Certified Mail; September 6, 2018	No response

**Table 3.12-3  
Assembly Bill 52 Native American Tribal Outreach Results**

<b>Native American Tribal Representatives</b>	<b>Method of Notification</b>	<b>Response to City Notification Letters</b>
Robert Dorame, Chairperson Gabrieleno Tongva Indians of California Tribal Council	Certified Mail; September 6, 2018	No response
Sandonne Goad, Chairperson Gabrielino/Tongva Nation	Certified Mail; September 6, 2018	No response
Charles Alvarez Gabrielino-Tongva Tribe	Certified Mail; September 6, 2018	No response

### ***Senate Bill 18***

According to SB 18, the City has a responsibility to initiate consultation with tribes/groups listed on the California Native American Heritage Commission’s (NAHC’s) official SB 18 contact list for amendment of a General Plan. SB 18 requires the City to send a letter to each contact on the NAHC’s SB 18 list, extending an invitation for consultation. Tribes will have 90 days from receipt of the letter to request consultation. The City must also send a notice to all contacts 45 days prior to adopting the amended General Plan, as well as a third notice 10 days prior to any public hearing regarding the General Plan amendment.

The City sent notification of the Proposed Project to all California Native American tribal representatives that have requested Project notifications pursuant to SB 18 and that are on file with the NAHC as being traditionally or culturally affiliated with the geographic area on September 6, 2018. These notification letters included a Project map and description inquiring if the tribe would like to consult on the Proposed Project. To date, government-to-government consultation initiated by the City has not resulted in the identification of any cultural resources within or near the Plan Area. Table 3.12-4, Senate Bill 18 Native American Tribal Outreach Results, summarizes the results of the SB 18 process for the Proposed Project.

**Table 3.12-4  
Senate Bill 18 Native American Tribal Outreach Results**

<b>Native American Tribal Representatives</b>	<b>Method of Notification</b>	<b>Response to City Notification Letters</b>
Andrew Salas, Chairperson Gabrieleno Band of Mission Indians – Kizh Nation	Certified Mail; September 6, 2018	Request for Consultation; Consultation concluded July 8, 2020
Anthony Morales, Chairperson Gabrieleno/Tongva San Gabriel Band of Mission Indians	Certified Mail; September 6, 2018	No response
Robert Dorame, Chairperson Gabrieleno Tongva Indians of California Tribal Council	Certified Mail; September 6, 2018	No response

**Table 3.12-4  
Senate Bill 18 Native American Tribal Outreach Results**

Native American Tribal Representatives	Method of Notification	Response to City Notification Letters
Sandonne Goad, Chairperson Gabrielino/Tongva Nation	Certified Mail; September 6, 2018	No response
Charles Alvarez Gabrielino-Tongva Tribe	Certified Mail; September 6, 2018	No response

In summary, no cultural resources were identified within the Plan Area as a result of the CHRIS records search. One traditionally or culturally affiliated tribe requested consultation regarding potential impacts to TCRs.

### 3.12.2 Regulatory Setting

#### Federal

##### *The National Register of Historic Places*

The NHPA established the National Register of Historic Places (NRHP) and the President’s Advisory Council on Historic Preservation (ACHP), and provided that states may establish State Historic Preservation Officers (SHPOs) to carry out some of the functions of the NHPA. Most significantly for federal agencies responsible for managing cultural resources, Section 106 of the NHPA directs that

[t]he head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP.

Section 106 also affords the ACHP a reasonable opportunity to comment on the undertaking (16 U.S.C. 470f).

36 Code of Federal Regulations, Part 800 (36 CFR 800) implements Section 106 of the NHPA. It defines the steps necessary to identify historic properties (those cultural resources listed in or eligible for listing in the NRHP), including consultation with federally recognized Native American tribes to identify resources with important cultural values; to determine whether or not they may be adversely affected by a proposed undertaking; and the process for eliminating, reducing, or mitigating the adverse effects.

The content of 36 CFR 60.4 defines criteria for determining eligibility for listing in the NRHP. The significance of cultural resources identified during an inventory must be formally evaluated for historic significance in consultation with the ACHP and the California SHPO to determine if the resources are eligible for inclusion in the NRHP. Cultural resources may be considered eligible for listing if they possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Regarding criteria A through D of Section 106, the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, cultural resources, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. have yielded or may be likely to yield, information important in prehistory or history [36 CFR 60.4].

The 1992 amendments to the NHPA enhance the recognition of tribal governments' roles in the national historic preservation program, including adding a member of an Indian tribe or Native Hawaiian organization to the ACHP.

The NHPA amendments:

- Clarify that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined eligible for inclusion in the National Register
- Reinforce the provisions of the Council's regulations that require the federal agency to consult on properties of religious and cultural importance.

The 1992 amendments also specify that the ACHP can enter into agreement with tribes that permit undertakings on tribal land and that are reviewed under tribal regulations governing Section 106. Regulations implementing the NHPA state that a federal agency must consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking.



## State

### *California Register of Historical Resources (CRHR)*

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.” (PRC section 5020.1(j).) In 1992, the California legislature established the CRHR “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.” (PRC section 5024.1(a).) The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP, enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see Cal. Code Regs., tit. 14, section 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

### *California Environmental Quality Act*

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- PRC section 21083.2(g) defines “unique archaeological resource.”
- PRC section 21084.1 and CEQA Guidelines section 15064.5(a) defines “historical resources.” In addition, CEQA Guidelines section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource;” it also defines the circumstances when a project would materially impair the significance of an historical resource.
- PRC section 21074(a) defines “tribal cultural resources.”
- PRC section 5097.98 and CEQA Guidelines section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- PRC sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource." (PRC section 21084.1; CEQA Guidelines section 15064.5(b).) If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC section 5024.1(q)), it is a "historical resource" and is presumed to be historically or culturally significant for purposes of CEQA. (PRC section 21084.1; CEQA Guidelines section 15064.5(a).) The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption. (PRC section 21084.1; CEQA Guidelines section 15064.5(a).)

A "substantial adverse change in the significance of an historical resource" reflecting a significant effect under CEQA means "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." (CEQA Guidelines section 15064.5(b)(1); PR Code section 5020.1(q).) In turn, the significance of an historical resource is materially impaired when a project:

- (1) Demolishes or materially alters 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; or
- (2) Demolishes or materially alters 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 an 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; or
- (3) Demolishes or materially alters 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 as determined by a lead agency for purposes of CEQA.

(CEQA Guidelines section 15064.5(b)(2).) Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any "historical resources," then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance is materially impaired.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (Section 21083.2[a], [b], and [c]).

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

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (PRC section 21083.2(a); CEQA Guidelines section 15064.5(c)(4).) However, if a non-unique archaeological resource qualifies as tribal cultural resource (PRC 21074(c); 21083.2(h)), further consideration of significant impacts is required.

CEQA Guidelines section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in PRC section 5097.98.

### ***California State Assembly Bill 52***

AB 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that TCRs must be considered under CEQA and also provided for additional Native American consultation requirements for the lead agency. Section 21074 describes a TCR as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American tribe. A TCR is either:

- On the CRHR or a local historic register; Eligible for the CRHR or a local historic register; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with the project, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or EIR.

Section 1 (a)(9) of AB 52 establishes that “a substantial adverse change to a TCR has a significant effect on the environment.” Effects on TCRs should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to TCRs, the consultation shall include those topics (PRC Section 21080.3.2(a)). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3(a)).

### *Senate Bill 18*

The Local and Tribal Intergovernmental Consultation process, commonly known as Senate Bill (SB) 18 was signed into law September of 2004 and took effect March 1, 2005. SB 18 refers to PRC §5097.9 and 5097.995 which defines cultural places as:

- Native American sanctified cemetery place of worship, religious or ceremonial site, or sacred shrine (PRC §5097.9).
- Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC §5097.993).

SB 18 established responsibilities for local governments to contact, provide notice to, refer plans to, and consult with California Native American Tribes that have been identified by the NAHC and if that tribe requests consultation after local government outreach as stipulated in Government Code (GC) §65352.3. The purpose of this consultation process is to protect the identity of the cultural place and to develop appropriate and dignified treatment of the cultural place in any subsequent project. The consultation is required whenever a general plan, specific plan, or open space designation is proposed for adoption or to be amended.

In addition to the requirements stipulated above, SB 18 amended GC §65560 to “allow the protection of cultural places in open space element of the general plan” and amended Civil Code §815.3 to add “California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.”

As part of the application process, California Native American Tribes must be given the opportunity to consult with the applicant of the project (City of Long Beach (City)) for the purpose of preserving, mitigating impacts to, and identifying cultural places located on project land. The Proposed Project involves a General Plan Amendment and Specific Plan development to approximately 437-acres of the Project Globemaster Corridor Specific Plan Area (Plan Area); therefore, SB 18 applies to the project. The consultation process initiated by the City for the Proposed Project began on September 6, 2018. The period for the tribes to request consultation is 90 days after this request is received. To date, the City has received one response to the SB 18 consultation letters from the Gabrieleno Band of Mission Indians – Kizh Nation. Once local governments have sent notification, tribes are responsible for requesting consultation. Pursuant to GC §65352.3(a)(2), each tribe has 90 days from the date on which they receive notification to respond and request consultation.

### *California Health and Safety Code*

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains (section 7050.5b). PRC Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California Native American Heritage Commission (NAHC) within 24 hours (section 7050.5c). The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

### **3.12.3 Thresholds of Significance**

The following significance criteria are based on Appendix G of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.), and will be used to determine the significance of potential TCR impacts. Impacts related to TCR would be significant if the Proposed Project would cause a substantial adverse change in the significance of a TCR, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- A. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- B. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The IS found that the Proposed Project could have a potentially significant impact to TCRs (Appendix A-1). As such, all impacts area fully addressed in this Draft PEIR/ PEIS.

### 3.12.4 Impacts Analysis

- a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

A CHRIS records search was conducted at the SCCIC on September 5, 2018, for the Plan Area and within a 0.5-mile radius of the Plan Area. The CHRIS search included a review of mapped prehistoric, historical, and built-environment resources; the California Office of Historic Preservation's Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references. Additional consulted sources include historical maps of the Plan Area, the NRHP, the CRHR, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. The records search identified eight resources within the 0.5-mile record search area. Of these resources, six are built-environment resources, two of which are located within the Plan Area. The other two resources, P-19-000838/CA-LAN-838 and P-19-000839/CA-LAN-839, are prehistoric sites comprised of shell midden deposits that were recorded in 1971, 1973, and 1987; however, these prehistoric sites were identified outside the Plan Area. Two of the six built environment resources have been determined eligible for listing on the CRHR and one built environment resource appears eligible for the NRHP. None of these resources were identified as TCRs by California Native American tribes as part of the City's AB 52 and SB 18 process.

#### **CEQA Impact Determination**

No previously recorded archaeological resources of Native American origin or TCRs listed in the CRHR or a local register were identified within the Plan Area. Furthermore, no listed TCRs have been identified by California Native American tribes as part of the City's AB 52 and SB 18 notification and consultation process. Impacts would be **less than significant** under CEQA. No mitigation is required.

#### **NEPA Impact Determination**

No previously recorded archaeological resources of Native American origin or TCRs listed in the CRHR or a local register were identified within the Plan Area. Furthermore, no listed TCRs have been identified by California Native American tribes as part of the City's AB 52 and SB 18 notification and consultation process. As such, there would be **no adverse effect** under NEPA.

- b) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)*

The NAHC provided the City with a list of five Native American tribes or individuals who may have knowledge of cultural resources in the Plan Area. On September 6, 2018, the City mailed certified notification letters to all five contacts provided by the NAHC as part of the City's AB 52 and SB 18 notification and consultation process. The City received one request for consultation from the Gabrieleño Band of Mission Indians-Kizh Nation. As discussed in the project description, the Plan Area is within an urbanized area and has been previously graded and paved. Because the Plan Area has been developed previously, any surficial archaeological resources, human remains, or TCRs that may have been present at one time have likely been disturbed and the likelihood of encountering intact resources is low. However, during tribal consultation, the Gabrieleno Band of Mission Indians – Kizh Nation noted that the Plan Area is in an area that is traditionally or culturally affiliated within the geographic area. While there is no evidence that TCRs exist on the surface of the Plan Area, it is possible that previously unknown TCRs could exist in undisturbed soils on the site. During consultation, the Gabrieleno Band of Mission Indians – Kizh Nation provided mitigation measures in order to avoid or limit potential impacts of project construction on TCRs. Consultation was concluded on July 8, 2020. Mitigation measures **MM-TCR-1** through **MM-TCR-9** include provisions for tribal monitors during ground disturbing activities and procedures in the event of unanticipated discovery.

Therefore, protocols for the inadvertent discovery of TCRs are included as mitigation measures **MM-TCR-1** through **MM-TCR-9**, which will reduce the potentially significant impact to a less than significant level.

### **CEQA Impact Determination**

With the implementation of mitigation measures **MM-TCR-1** through **MM-TCR-9**, impacts are considered **less than significant with mitigation incorporated** under CEQA.



### NEPA Impact Determination

With the implementation of mitigation measures **MM-TCR-1** through **MM-TCR-9**, there would be **no adverse effects** under NEPA.

### 3.12.5 Cumulative Impacts

The cumulative impacts analysis on TCRs considers whether impacts of the Proposed Project together with other related projects identified within the vicinity of the Plan Area, substantially diminish the number of TCRs within the same or similar context. There are no known TCRs within the Plan Area, and as such, the Plan Area is not part of an existing or known grouping of TCRs that would be impacted as part of the cumulative impacts of implementing the Proposed Project with other area related projects. It is anticipated that TCRs that are potentially affected by related projects would also be subject to the same requirements of CEQA as the Proposed Project and any impacts would be mitigated, as applicable. At this time, it is not known whether and to what extent these related projects would result in impacts to TCRs, or whether such impacts can be mitigated to less than significant levels. As such, these determinations would be made on a case-by-case basis, by employing the recommended mitigation resulting from tribal consultation for each future development under the Proposed Project, and the effects of cumulative development on TCRs would be mitigated to the extent feasible in accordance with CEQA, NEPA, and other applicable legal requirements. The Proposed Project would not cumulatively contribute to a significant impact, and as such, the cumulative impact is considered **less than significant with mitigation incorporated**.

### 3.12.6 Mitigation Measures

**MM-TCR-1** Prior to the issuance of any Grading Permit a 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.

**MM-TCR-2** Should a potential TCR be encountered and no monitors are present, construction activities near the encounter shall be temporarily halted within 50 feet of the discovery and the City notified. The City will notify Native American tribes that have been identified by the Native American Heritage Commission to be traditionally and culturally affiliated with the geographic area of the Proposed Project. If the potential resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in mitigation measure **MM-CUL-1** (see Section 3.3.6, Cultural

Resources Mitigation Measures). If the City determines that the potential resource is a TCR (as defined by PRC, Section 21074), tribes consulting under AB 52 and SB 18 would be provided a reasonable period of time, typically 5 days from the date a new discovery is made, to conduct a site visit and make recommendations regarding future ground disturbance activities, as well as the treatment and disposition of any discovered TCRs. A qualified archaeologist shall implement a plan for the treatment and disposition of any discovered TCRs based on the nature of the resource and shall consider the recommendations of the tribe(s). Implementation of proposed recommendations will be made based on the determination of the City that the approach is reasonable and feasible. All activities shall be conducted in accordance with applicable regulatory requirements.

**MM-TCR-3 Native American Monitor/Consultant.** The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC’s Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Plan Area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Plan Area grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

**MM-TCR-4 Unanticipated Discovery of Tribal Cultural and Archaeological Resources.** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary,

mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**MM-TCR-5 Unanticipated Discovery of Human Remains and Associated Funerary Objects.** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

**MM-TCR-6 Resource Assessment & Continuation of Work Protocol.** Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

**MM-TCR-7 Kizh-Gabrieleno Procedures for burials and funerary remains.** If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

**MM-TCR-8 Treatment Measures.** Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Plan Area

but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

**MM-TCR-9 Professional Standards.** Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

### 3.12.7 Significant After Mitigation

Implementation of mitigation measures **MM-TCR-1** through **MM-TCR-9** would ensure impacts after mitigation are **less than significant**.

### 3.12.8 References

City of Long Beach. 2015. “Criteria for Designation of Landmarks and Landmark Districts.”  
Municipal Code, Title 2, Chapter 2.63.050.

NPS (National Park Service, U.S. Department of the Interior). 1990. *National Register Bulletin: Technical Information on the National Register of Historic Places: Survey, Evaluation, Registration, and Preservation of Cultural Resources*. How to Apply the National Register Criteria for Evaluation. <https://www.nps.gov/nr/publications/bulletins/pdfs/nrb15.pdf>.

INTENTIONALLY LEFT BLANK