

## IV.D CULTURAL RESOURCES

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### 1. INTRODUCTION

This section of the Draft EIR provides a discussion of existing cultural resources and applicable cultural resource laws and regulations, as well as an analysis of the potential effects from implementation of the proposed Project. This section incorporates information from the Cultural Resources Inventory Search prepared by PaleoWest dated February 5, 2020 (**Appendix IV.D.1: Cultural Resources Inventory Search**), and the Cultural Resource Inventory and Resource Documentation Technical Report dated April 16, 2021 (**Appendix IV.D.2: Cultural Resources Technical Report**).

### 2. ENVIRONMENTAL SETTING

#### Cultural Setting

##### *Prehistoric Setting*

The Gabrielino tribe were some of the earliest people to assume territory in what is now known as the City of Long Beach. This tribe had occupied almost the entire Los Angeles basin including the mountainous areas and the coast between Los Angeles and Orange counties.<sup>1</sup> Early Spanish settlers in the area had recorded populations of 50-200 Gabrielino people living in permanent villages, and by 1770, the total population in the Los Angeles basin was over 5,000. The Gabrielino tribe had developed multiple types of structures within their villages consisting of domed, circular structures covered in tule, fern, or Carrizo used for family and communal housing as well as sweathouses, menstrual huts, and ceremonial enclosures.

The Puvungna-Gabrielino community was among the most researched and consisted of a large settlement and important ceremonial site most likely located in the area occupied by Rancho Los Alamitos and currently occupied by California State University, Long Beach.<sup>2</sup> It is assumed to have served as a ritual center for the surrounding Gabrielino communities in the region. Sites associated with Puvungna were added to the National Register of Historic Places in 1974 and 1982.

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1 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

2 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

Santa Catalina island, which the Gabrielino people took as their territory, received Spanish contact in 1542 when Jaun Rodriguez Cabrillo arrived on the island.<sup>3</sup> Gaspar de Portola tried to colonize this Gabrielino territory and it is said that he made contact with the chief Hahamovic in the *Hahamog-na* village and in 1771, the Spanish established the Mission San Gabriel Archangel.

### **Historic Setting**

The Spanish had visited what is now the City of Long Beach beginning in the late 18<sup>th</sup> century and during the Spanish and Mexican reign over Alta California, ownership of southern Los Angeles was given primarily to prior government workers through land grants.<sup>4</sup> A man named Manuel Nieto, a Spanish soldier, was given around 300,000 acres of land by the governor of California in 1784 and following his death, the property was passed down to his heirs and eventually was divided into Rancho Los Alamitos and Rancho Los Cerritos. These two properties encompass what is now mainly the City of Long Beach as well as Rancho Los Alamitos to the east and Rancho Los Cerritos to the west.

During the California Gold Rush in the late 1800's, people migrated into California at exponential rates, increasing the need for a cattle industry in both the north and south. The brothers Thomas and Benjamin Flint as well as their cousins Lewellyn and Jotham Bixby, invested in this growing market and purchased Rancho Los Cerritos.<sup>5</sup> Then in 1878, John Bixby leased Rancho Los Alamitos, which he eventually purchased from the owner and the property became known as Bixby Ranch. Over the years, the Bixby family rehabilitated the old ranch and both Rancho Los Cerritos and Rancho Alamitos properties operated as ranches into the early decades of the 20<sup>th</sup> century.

The second settlement in the City of Long Beach was created during 1810 when William Erwin Willmore proposed development of a 4,000 acre site in Rancho Los Cerritos named Willmore City.<sup>6</sup> The development was to have a major street (now Long Beach Boulevard) which would connect the town to Los Angeles, and include waterfront resorts, a downtown business district, and 40-acre lots to be sold as family farm plots. After fruitless attempts to advertise the colony as the all-around perfect location for incoming residents, Willmore abandoned the development and the "American Colony" was purchased by the San

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3 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

4 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

5 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

6 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

Francisco real estate firm Pomeroy and Mills. The town was renamed Long Beach after the area's beaches and began to grow with the addition of a general store, hotel, a church, local newspaper (Long Beach Journal), as well as growing residences and businesses by 1885.

Alamitos Beach, Carroll Park, and Belmont Heights were annexed into Long Beach in the early 1900's and the population tripled as well as the acreage of the City.<sup>7</sup> Transportation throughout the City was improved with the addition of the Pacific Electric Streetcar Company and the Southern Pacific line and the San Pedro, Los Angeles, and Salt Lake Railroad (SPLA&SL) line expanded growth throughout the City. Tourism was the City's main attraction, including the Municipal Pier, Virginia Hotel, Majestic Dance Hall, and the Walk of a Thousand Lights.

The Port of Long Beach opened in June of 1911 and in 1918 after major floods and the collapse of the Los Angeles Dock and Terminal Company, Long Beach and the U.S. Army Corps of Engineers permanently established regular navigation between Los Angeles and Long Beach.<sup>8</sup> This became a huge economic factor for the City and trade flourished. In 1921, oil was discovered by Shell Oil Company in Signal Hill, which was an unincorporated area at the time, but the sale of oil quickly became the City's primary industry. The financial gain from the oil boom more than doubled the City's population and the effects of the wealth led to a boost in skyscrapers in the downtown, creating a more sophisticated looking commercial and civic area in the City.

### ***Present Setting***

The Project Site, owned by Oil Operators Inc., previously contained facilities used to treat production water from oil wells located throughout Long Beach and Signal Hill. Beginning in the mid-1920s, water treatment facilities were operated on the Site to treat water and other fluids recovered during oil production. The wastewater collection facility treated produced water (oil field brines) recovered during oil production. The water treatment, primarily oil separation, took place in a series of on-site settling basins. The basins were designed to remove oil and sediment from the produced water and then discharge the treated water to the Los Angeles County Sanitation District sewer system. In 1959, a wastewater treatment plant was constructed at the facility. The treatment plant consisted of five circular concrete-walled skimming basins and associated pumps, aboveground storage tanks, pipelines and related small buildings and facilities. Treatment operations ended in 1998 and the facilities were removed in 2001.

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7 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

8 City of Long Beach Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010). Accessed March 2021.

Remediation of the residual oil in the settling basins has been ongoing since 2001 under the oversight of the City of Long Beach Environmental Health Department and the Los Angeles Regional Water Quality Control Board (RWQCB). All required remediation would be completed in accordance with a Remediation Action Plan approved by the RWQCB. The Site is currently vacant, studded with mostly non-native plants and is surrounded by temporary fencing.

## Cultural Resources

A cultural resources record search was conducted on February 25<sup>th</sup>, 2020 to determine whether any archaeological resources are present within the immediate vicinity of the Project Site (**Appendix IV.D.1**).<sup>9</sup> The cultural resources inventory included a literature review by South Central Coastal Information Center (SCCIC) at California State University, Fullerton, a search of the California Historic Resource Information System (CHRIS), and a review of the Sacred Lands File (SLF) by the Native American Heritage Commission (NAHC). A review of the Office of Historic Preservation Archaeological Determination of Eligibility and the Office of Historic Preservation Directory of Historic Properties Data File is also included.

The records search included the Project area as well as a quarter-mile (0.25 mile) radius. The results indicated that “three previous studies have been conducted: the first study (LA-03102) was completed in 1994 that encompassed the entire Project area, as second study (LA-11993) was conducted in 2012 and included the northern portion of the project area, and a third study (LA-00358) which was conducted in 1976.” The results concluded that no historic or prehistorical archaeological resources were identified within the recorded search area.

The search also included analyzing historical topographic maps and aerial photos of the Project Site, which found that West Baker Street had been constructed by 1930 including an oil field in the southern portion added on in the 1950’s to early 1960’s. The oil facility had been demolished within the last 10 years, but the portion of Baker Street west of Golden Avenue is still present. After reviewing historic maps and aerial photographs, documentation and/or evaluation of West Baker Street roadway and the historic remnants of the oil facility were recommended.

An on-site cultural resources field survey was conducted on March 25, 2021 to assess landforms within the Project Site which would likely contain or exhibit archaeological or historical remains.<sup>10</sup> Cultural resources identified during the survey were recorded on appropriate California Department of Parks and Recreation (DPR) Series 523 forms. For the purposes of the study, a cultural resource was defined as any archaeological remains or standing building or structure greater than 45 years of age (**Appendix IV.D.2**).

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9 PaleoWest, Cultural Resource Inventory for the Long Beach River Park, March 11, 2020, Appendix 4.D.1.

10 PaleoWest, Cultural Resource Inventory and Resource Documentation for the Long Beach River Park, April 16, 2021, Appendix 4.D.2.

Two historic-era remnants of the oil wastewater treatment facility were identified (20-124-01H) and the portion of the right-of-way for Baker Street located on the Site were documented and evaluated for listing on the California Register Historical Resources (CRHR). Descriptions and evaluations of these two resources are provided below. Details regarding the tribal consultation process please refer to **Section IV.N: Tribal Cultural Resources**.

### 3. REGULATORY SETTING

Historic resources fall within the jurisdiction of several levels of government. Federal laws provide the framework for the identification and, in certain instances, protection of historic resources. Additionally, states and local jurisdictions play active roles in the identification, documentation, and protection of such resources within their communities. The primary federal and State laws governing and affecting preservation of historic resources of national, State, regional, and local significance are the National Historic Preservation Act (NHPA) of 1966, as amended; the California Environmental Quality Act (CEQA); and the California Register of Historical Resources (California Register), Public Resources Code (PRC) 5024. As archaeological resources are also considered historic, regulations applicable to historic resources are also applicable to archaeological resources and are discussed and analyzed in this section. Descriptions of these relevant laws and regulations are presented below.

#### Federal

##### ***Archaeological Resources Protection Act***

The intent of the Archaeological Resources Protection Act of 1979 (ARPA) is to ensure preservation and protection of archaeological resources on public and Native American lands.<sup>11</sup> ARPA places primary emphasis upon a Federal permitting process in order to control the disturbance and investigation of archaeological sites on these lands. In addition, ARPA's protective provisions are enforced by civil penalties for violation of the Act. Under this regulation, the term "archaeological resources" includes but is not limited to:

*Pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.*<sup>12</sup>

11 United States Code (USC). sec. 470aa–470mm, Archaeological Resources Protection Act of 1979, Public Law (PL) 96-95, as amended.

12 USC sec. 470aa–470mm, Archaeological Resources Protection Act of 1979, Public Law 96-95, as amended, sec. 3, accessed July 2018, available at [https://www.nps.gov/subjects/historicpreservation/upload/NPS\\_FHPL\\_book\\_online.pdf](https://www.nps.gov/subjects/historicpreservation/upload/NPS_FHPL_book_online.pdf).

ARPA mandates consultation procedures before initiation of archaeological research on Native American lands or involving Native American archaeological resources. Section 4(c) requires Native American tribes be notified of possible harm to, or destruction of, sites having religious or cultural significance to that group. The Federal land manager must notify affected tribes before issuing the permit for archaeological work. Section (g)(2) specifies that permits to excavate or remove archaeological resources from Indian lands require consent of the Native American or Native American tribe owning or having jurisdiction over such lands. The permit, it is also stipulated, must include such terms and conditions as may be requested by the affected Native Americans.

Concerning the custody of archaeological resources, ARPA stipulates that any exchange or ultimate disposition of archaeological resources excavated or removed from Native American lands must be subject to the consent of the Native American or Native American tribe that owns or has jurisdiction over such lands.

### ***National Historic Preservation Act***

The 1966 NHPA authorized formation of the National Register of Historic Places (National Register) and coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources.<sup>13</sup> Buildings, districts, sites, and structures may be eligible for listing in the National Register if they possess significance at the national, State, or local level in American history, culture, architecture, or archaeology and, in general, are more than 50 years old.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. A Section 106 Review refers to the federal review process designed to ensure that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation (ACHP), an independent federal agency, administers the review process, with assistance from the State Historic Preservation Offices (SHPOs). If any impacts are identified, the agency undergoing the project must identify the appropriate SHPO to consult with during the process.

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

The National Register was established by the NHPA, as “an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to

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13 National Historic Preservation Act of 1966 amend thru 1992, Public Law. Approved October 15, 1966 (Public Law 89-665; 80 STAT.915; 16 U.S.C. 470) as amended by Public Law 91-243, Public Law 93-54, Public Law 94-422, Public Law 94-458, Public Law 96-199, Public Law 96-244, Public Law 96-515, Public Law 98-483, Public Law 99-514, Public Law 100-127, and Public Law 102-575)

indicate what properties should be considered for protection from destruction or impairment.”<sup>14</sup> The National Register recognizes properties that are significant at the national, State, and/or local levels.

### ***Paleontological Resources Preservation Act***

In 2009, the Paleontological Resources Preservation Act (PRPA) became law when President Barack Obama signed the Omnibus Public Land Management Act of 2009, Public Law 111-011.<sup>15</sup> The PRPA requires the secretaries of the interior and agriculture to manage and protect paleontological resources on federal land using scientific principles and expertise. The PRPA includes specific provisions addressing management of these resources by federal agencies. It provides authority for the protection of paleontological resources on federal lands, including criminal and civil penalties for fossil theft and vandalism. The PRPA only applies to federal lands and does not affect private lands.

## **State**

### ***California Public Resources Code***

Archaeological, paleontological, and historical sites are protected pursuant to a wide variety of State policies and regulations enumerated under the PRC. In addition, cultural and paleontological resources are recognized as a nonrenewable resource and, therefore, receive protection under the PRC and CEQA.

As part of the determination made pursuant to PRC Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources (PRC Section 21083.2). PRC Section 21083.2(b) provides the following guidance on how to mitigate or avoid the significant effects that a project may have on unique archeological resources, stating:

*If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:*

1. *Planning construction to avoid archaeological sites.*
2. *Deeding archaeological sites into permanent conservation easements.*
3. *Capping or covering archaeological sites with a layer of soil before building on the Sites.*
4. *Planning parks, greenspace, or other open space to incorporate archaeological sites.*

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<sup>14</sup> Code of Federal Regulations (CFR), pt. 60.2.

<sup>15</sup> PL 111-011, tit. VI, subtit. D on Paleontological Resources Preservation (known by its popular name, the Paleontological Resources Preservation Act) (123 Stat. 1172; 16 USC 470aaa).

As defined within PRC Section 21083.2(g), “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 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.*

As defined in PRC Section 21083.2(h), “nonunique archaeological resource” means an archaeological artifact, object, or site that does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration other than the simple recording of its existence by the lead agency if it so elects. Pursuant to PRC Section 21083.2(i), as part of conditions imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding, and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

If additional archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in PRC Section 21083.2.

Personnel of the proposed Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project Site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in PRC Section 21083.2:

- Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize an historic property shall be preserved.
- Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

State regulations mandate protection of paleontological resources on public lands, and CEQA requires evaluation of impacts to paleontological sites. Paleontological resources are also subject to certain State regulations for historical resources. Appendix G of the CEQA Guidelines provides guidance relative to significant impacts on paleontological resources, indicating that a project would have a significant impact on paleontological resources if it were to disturb or destroy a unique paleontological resource or site or unique geologic feature. Section 5097.5 of the PRC specifies that any unauthorized removal of paleontological remains is a misdemeanor. Further, California Penal Code Section 622.5 sets the penalties for the unlawful damage or removal of paleontological resources.

### ***California Register Historical Resources***

The California Register is the authoritative guide to the State's significant archaeological and historical resources.<sup>16</sup> It closely follows the eligibility criteria of the National Register but deals with State- and local-level resources. The California Register serves to identify, evaluate, register, and protect California's historical resources. For purposes of CEQA, a historical resource is any building, site, structure, object, or historic district listed in or eligible for listing in the California Register (PRC, Section 21084.1). As stated in the PRC, a resource is considered eligible for listing in the California Register if it meets any of the following criteria:

- a. *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*

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16 State of California, Office of Historic Preservation, California Historical Resources, <https://ohp.parks.ca.gov/listedresources>.

- b. *Is associated with the lives of persons important in our past.*
- c. *Embodies the distinctive characteristics of type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.*
- d. *Has yielded, or may be likely to yield, information important in prehistory or history [Public Resources Code Section 5024.1(c)].*<sup>17</sup>

Historical resources meeting one or more of the criteria listed above are eligible for listing in the California Register. In addition to significance, resources must have integrity for a period of significance—the date or span of time within which significant events transpired or significant individuals made important contributions. Important archaeological resources are required to be at least 50 years old to be considered. “Integrity is the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” Simply put, resources must “retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.”<sup>18</sup>

CEQA also requires the lead agency to consider whether there is a significant effect on unique archaeological resources that are not eligible for listing in the California Register. As defined in CEQA, a unique archaeological resource is:

*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.*

If an archaeological resource is found eligible for listing in the California Register, then it is considered under CEQA to be a historic resource that needs to be protected. This may also apply to unique archaeological resources. If a historic resource may be impacted by activity, under CEQA, avoidance and preservation in place is the preferred alternative. If that is not possible, then a data recovery plan will need to be created and enacted to lessen impacts to the environment to a less than significant level. If the

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<sup>17</sup> Public Resources Code (PRC), Division 5. Parks and Monuments[5001 - 5873], “CHAPTER 1. State Parks and Monuments,” Article 2. Historical Resources (5024.1).

<sup>18</sup> Secretary of the Interior's Standards and Guidelines, Archeology and Historic preservation. 1983.

archaeological resource is not eligible for listing in the California Register, and it is not a unique archaeological resource, then no further action is required to protect or mitigate possible impacts to it.

### **California Environmental Quality Act**

CEQA and the CEQA Guidelines have specific provisions relating to the evaluation of a project's impact on historical and unique archaeological resources. PRC Section 21084.1 and Section 15064.5 of the CEQA Guidelines together establish the prevailing test for determining whether a resource can or must be considered a historical resource under CEQA.

First, a resource is considered a historical resource for purposes of CEQA if it is listed or "deemed eligible for listing" in the California Register by the State Historical Resources Commission (SHRC).<sup>19</sup> Second, it will be considered a historical resource, based on a presumption of significance, if it is either (1) listed in a local register of historic resources as defined in PRC Section 5010.1.4, or (2) identified in a local survey of historic resources meeting the criteria set forth in PRC Section 5024.1.5. If a resource meets either of these criteria, the lead agency must treat the resource as historically significant unless the "preponderance of the evidence" indicates that the resource is not historically significant. Third, a lead agency may find a resource to be a historical resource even though it is not formally listed in the California Register, listed in a local register, or identified in a local survey.<sup>20</sup> Any such determination must be based on substantial evidence in light of the whole record.

CEQA also provides further guidance with respect to historical resources of an archeological nature and unique archaeological resources. A unique archeological resource is defined in PRC Section 21083.2(g) as:

*[A]n 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 best available example of its type, and (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.*

According to the CEQA Guidelines Section 15064.5(b): "A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have

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19 PRC sec. 21084.1 and 15064.5

20 PRC sec. 21084.1; sec. 15064.5(a)(3)(4)

a significant effect on the environment.” This section of the guidelines defines historical resources as including both the built environment and archaeological resources.

A substantial adverse change is defined in the CEQA Guidelines Section 15064.5(4)(b)(1), as “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.” The significance of an historical resource is materially impaired, according to the CEQA Guidelines Section 15064.5(4)(b)(2), when a project:

- a. *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 of Historical Resources; or*
- b. *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 Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of the evidence that the resource is not historically or culturally significant; or*
- c. *Demolishes or materially alters in an adverse manner those physical characteristics of an 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.*

The CEQA Guidelines provide that “generally,” a project that follows the Secretary’s Standards “shall be considered as mitigated to a level of less than a significant impact on the historical resource.”

At the same time, however, a failure to precisely conform to the Secretary’s Standards in all respects does not necessarily mean that a project necessarily has a significant adverse impact on historical resources. There are circumstances where a project impacting historical resources may fail to conform to the Secretary’s Standards, and yet the lead agency can conclude based on substantial evidence that the overall impact is insignificant because the project does not “materially impair” the historical resource within the meaning of Section 15064.5(b).

CEQA Guidelines Section 15064.5 subsection (c) addresses impacts on archaeological sites. That section provides as follows:

1. *When a project will impact an archaeological site, a lead agency shall first determine whether the Site is an historical resource, as defined in subsection (a).*
2. *If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.*
3. *If an archaeological site does not meet the criteria defined in subsection (a) but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the Site shall be treated in accordance with the provisions of Section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.*

For historical resources of an archaeological nature,

*Preservation in place is the preferred manner of mitigating impacts to archaeological sites... When recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.<sup>21</sup>*

In practice, the California Office of Historic Preservation (OHP) has consistently determined that excavation, coupled with implementation of a data recovery plan, does not result in a significant environmental impact on a historical resource of an archaeological nature.

If a project would cause “damage to a unique archaeological resource, the lead agency may require reasonable efforts to 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 unique archaeological resources are not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.”<sup>22</sup> CEQA Guidelines Section 15064.5(f) provides that “a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction.”

CEQA Guidelines Section 15064.5(d) specifies a process for evaluating human remains, and this issue is identified on the CEQA Checklist as an issue for evaluation in environmental documents. In addition,

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<sup>21</sup> CEQA Guidelines sec. 15126.4(b)(3)(A).

<sup>22</sup> PRC sec. 21083.2(b) and (c)

the CEQA Checklist identifies the presence of paleontological resources as an environmental concern that needs to be considered.

### ***State Health and Safety Codes***

If human remains are encountered unexpectedly during implementation of a project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98.<sup>23</sup>

If the remains are determined to be of Native American descent, the following procedure must be observed:

- a. *The immediate vicinity must be secured according to generally accepted cultural or archaeological standards or practices.*
- b. *The coroner has 24 hours to notify the NAHC.*
- c. *The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the Project Applicant, inspect the Site of the discovery of the Native American remains and may recommend means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods.*
- d. *The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the Project Applicant to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The area must not be damaged or disturbed by further development activity until the Applicant has discussed and conferred with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.*
- e. *If the Project Applicant or his or her authorized representative rejects the recommendation of the MLD, the Project Applicant of MLD may request mediation per Subdivision (k) of PRC Section 5097.94.*
- f. *If the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the mediation provided for in Subdivision (k) of PRC Section 5097.94, if invoked, fails to provide reasonable treatment, then the human remains and items associated with Native American human remains must be interred with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.*

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23 California Health and Safety Code, sec. 7050.5 and 5097.98

**Local**

**City of Long Beach General Plan**

The following Elements, and the relevant goals and policies applies to cultural resources within the City.

**Historic Preservation Element**

**Goal 1 :** Maintain and support a comprehensive, citywide historic preservation program to identify and protect Long Beach’s historic cultural, and archaeological resources.

**Policy 1.1:** The City shall comply with City, State, and Federal historic preservation regulations to ensure adequate protection of the City’s cultural, historic, and archaeological resources

**Policy 1.2:** The City shall maintain its status as a Certified Local Government (CLG) and ensure that CLG requirements are implemented as the key components of the City’s historic preservation program.

**Policy 1.4:** The City shall use public input to help shape the historic preservation program.

**Goal 2:** Protect historic resources from demolition and inappropriate alterations through the use of the City’s regulatory framework, technical assistance, and incentives.

**Policy 2.4:** The City shall ensure compliance of all historic preservation, redevelopment, and new construction projects with the California Environmental Quality Act (CEQA) and Section 106 of the National Historic Preservation Act.

**Policy 2.5:** The City shall enforce historic preservation codes and regulations.

**Policy 2.6:** The City shall implement and promote incentives for historic preservation.

**Policy 2.7:** The City shall encourage and support public, quasi-public, and private entities in local preservation efforts, including the designation of historic resources and the preservation of designated resources.

**Goal 5:** Integrate historic preservation policies into City’s community development, economic development, and sustainable-city strategies.

- Policy 5.2:** The City shall consider historic preservation as a basis for neighborhood improvement and community development.
- Policy 5.3:** The City shall consider historic preservation goals and policies when making community and economic development decisions and determining sustainable-city strategies.
- Policy 5.7:** The City shall promote historic preservation as a sustainable land use practice.

### ***The Long Beach Municipal Code***

The Long Beach Municipal Code (LBMC) Chapter 2.63 Cultural Heritage Commission, includes provisions to ensure the recognition, preservation, protection, and use of cultural resources are necessary to the health, property, social and cultural enrichment, and general welfare of the people. The City’s Cultural Heritage Ordinance is designed to protect districts, buildings, structures, natural features, works of art, signs and other objects that are reminders of the past. The ordinance is structured to address the particular needs and resources within a community. It also establishes procedures for the designation of landmarks:

- A. It is associated with events that have made a significant contribution to the broad patterns of the City’s history; or
- B. It is associated with the lives of person significant in the City’s past; or
- C. It embodies the distinctive characteristics of a type, period, or method of construction, or it represents the work of a master or it possesses high artistic value; or
- D. It has yielded, or may likely to yield, information important in prehistory or history.

## **4. ENVIRONMENTAL IMPACTS**

### ***Thresholds of Significance***

To assist in determining whether the proposed Project would have a significant effect on the environment, the City finds the proposed Project may be deemed to have a significant impact related to cultural resources if it would:

- Threshold CUL-1:** Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?
- Threshold CUL-2:** Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

## 5. METHODOLOGY

The analysis in this section addresses potential project impacts relating to cultural resources may be affected by the proposed project. Impacts to cultural resources would be determined by available information through record searches and through on-site field surveys conducted by qualified archeologists and historians. Data and information collected through record searches and field surveys would be analyzed to identify culturally significant resources. Effects of the proposed Project would then be applied to significant cultural resources, if any, to determine the proposed Project impacts on any culturally significant resources.

### Cultural Resources Inventory

CEQA Guidelines Section 15064.5 defines a historic resource as one that is: (1) listed in, or determined to be eligible for listing in the California Register of Historical Resources; (2) included in a local register of historical resources (pursuant to PRC Section 5020.1(k)); or (3) identified as significant in an historical resources survey (meeting the criteria in PRC Section 5024.1(g)). Additionally, any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered "historically significant" by the lead agency if the resource meets the criteria for listing on the California Register of Historical Resources.

As previously mentioned, a cultural resource record search was conducted on February 25<sup>th</sup>, 2020 to determine whether any cultural resources are present within immediate vicinity of the Project Site (**Appendix IV.D.1**). The cultural resources inventory included a literature review by SCCIC at California State University, Fullerton, a search of the California Historic Resource Information System (CHRIS), and a review of the Sacred Lands File (SLF) by the Native American Heritage Commission (NAHC). It also included a review of the Office of Historic Preservation Archaeological Determination of Eligibility and the Office of Historic Preservation Directory of Historic Properties Data File.

An on-site field survey was conducted on March 25, 2021, to assess landforms within the Project Site which would likely contain or exhibit archaeological or historical remains.<sup>24</sup> Cultural resources identified during the survey were recorded on appropriate California Department of Parks and Recreation (DPR)

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24 PaleoWest, Cultural Resource Inventory and Resource Documentation for the Long Beach River Park, April 16, 2021, Appendix 4.D.2.

Series 523 forms. For the purposes of this study, a cultural resource is defined as any archaeological remains or standing building or structure that is greater than 45 years of age (**Appendix IV.D.2**).

Details regarding the tribal consultation process please refer to **Section IV.M: Tribal Cultural Resources**. Paleontological resources are discussed in **Section IV.F: Geology and Soils**.

## 6. PROJECT IMPACTS

**Threshold IV.CUL-1: Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?**

The Project Site is not identified by the City of Long Beach General Plan Historic Preservation Element as a historical resource and is not in a historic district.<sup>25</sup> Based on a records search conducted by the SCCIC at California State University, Fullerton, included as part of the Cultural Resources Inventory Records Search, no historical or prehistoric resources were identified on or near the Project Site.<sup>26</sup>

The Project Site consists of disturbed vacant land previously used to treat water from oil production in the area and does not contain any existing buildings or structures. Remnants of the water treatment facility previously located on the Project Site and demolished within the last 10 years, remain on the Site.

The Cultural Resources Technical Report and field survey evaluated the historic-era remnants of the oil wastewater treatment facility (20-124-01H) and portion of the right-of-way for Baker Street on the Site which consists of the entire Project Site, for eligibility for listing on the California Register Historical Resources (CRHR). The Project Site consists of the remnants of the wastewater treatment facility that operated on the Project property between 1926 and 1998. The Project Site measures approximately 2,000 by 540 feet and is composed of 12 features that include a platform, cinder block wall, a concrete pump house or valve box, concrete drain and catchment basin, structural foundation, two large basins, two wooden boxes with steel guardrails, a steel guardrail boundary, concrete retaining wall, and a graded pad. No artifacts or other cultural remains of historic age were identified within the Project Site; however, a few pieces of steel pipe were observed. The facility was removed, and bioremediation was initiated on the property in 2004. In 2011, two large concrete-walled skimming basins were removed with those areas subsequently used for the placement of the bioremediation soil. The Project Site has been highly and frequently disturbed by historic and modern urban encroachment, utilities, homeless encampments, and the demolition of the wastewater treatment facility. Portions of the Project Site have also been regularly

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25 City of Long Beach General Plan, Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010), accessed May 2020.

26 PaleoWest, Cultural Resource Inventory for the Long Beach River Park, March 11, 2020, Appendix 4.D.1.

tilled in accordance with bioremediation efforts to treat soil contamination. In addition, modern infrastructure was found throughout the Project Site including water and sewer lines and utility poles.

Site 20-124-01H does not meet any criterion for listing in the CRHR. As previously stated, the wastewater collection/treatment facility was in use between 1926 and 1998. While the Project Site is generally associated with the oil exploration and extraction industry in the Long Beach/Signal Hill area, historical research found no evidence to suggest the facility is associated with important events related to the development or operation of the oil industry in the area. Moreover, the Site cannot be linked with any significant persons in history. Thus, it does not appear eligible for listing on the CRHR under Criteria 1 and 2. Much of the facility has been demolished and subject to bioremediation. As a result of these activities, only remnants of the facility are extant on the Project Site. The features that comprise Site 20-124-01H are common to wastewater treatment facilities throughout the Long Beach/Signal Hill area and are of standard design and construction. As such, the Project Site does not exhibit any architectural or engineering merits that would qualify it as significant under Criterion 3. Finally, it was concluded that additional study of these remains would be unlikely to yield significant information on the oil industry in the region. As a result, Site 20-124-01H is recommended not eligible for listing in the CRHR under Criterion 4.

The segment of Baker Street that intersects the current Project area is an asphalt-paved road that is approximately 470 feet long and 19 feet wide. The eastern portion of this segment is paved, while the western half is coarse road base and gravel. The pavement is uneven and contains cracks and ruts. This segment of the street is flanked by vacant lots on the north and south and is restricted with the use of a gate on the eastern edge of the recorded segment. This segment of Baker Street appears to have been in use as early as 1924 and connected to a footbridge that crossed the Los Angeles River to the west. The road appears to have been paved between 1930 and 1949. Currently, the street is in drivable condition though it does not appear to be frequently maintained.

This segment of Baker Street does not appear to meet any criterion for listing in the CRHR. As previously stated, the street was in use as early as 1924 and appears to have provided access to a footbridge over the Los Angeles River; however, there is no apparent association with any significant event in the history of the City of Long Beach or the Los Angeles River. Moreover, the street cannot be linked to any significant persons in history. Thus, it does not appear eligible for listing on the CRHR under Criteria 1 and 2. This segment of the street does not appear to be a major departure from road construction or an impressive or unique feat of engineering. Therefore, the recorded segment of Baker Street does not appear eligible for the CRHR under Criterion 3. Finally, it does not have the potential to yield any information important to the study of our local, State, or national history and is therefore not eligible under Criterion 4.

Based on the cultural resources inventory search, the cultural resources technical report, and the field survey findings, the remnants of the oil wastewater treatment facility (20-124-01H) and the in-use historical Baker Street roadway were not recommended eligible for listing on the CRHR. As such there are no identified culturally significant resources on or in the vicinity of the Project Site. In addition, the Project Site has been highly and frequently disturbed by the construction, removal, and bioremediation of the wastewater treatment facility. As such, it is unlikely that any intact buried archaeological remains are present within the Project Site. Project Impacts would be less than significant.

**Threshold IV.CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?**

CEQA Guidelines Section 15064.5(a)(3)(D) defines archaeological resources as any resource that “has yielded, or may be likely to yield, information important to prehistory or history.” Archaeological resources are features, such as tools, utensils, carvings, fabric, building foundations, etc., that document evidence of past human endeavors and that may be historically or culturally important to a significant earlier community.

The Project Site is not identified by the City of Long Beach General Plan Historic Preservation Element as containing any archaeological resources.<sup>27</sup> As previously mentioned, the cultural resources records search included the area of a quarter-mile radius around the Project Site, for the purpose of identifying any known cultural resources within the vicinity of the Project Site.

The cultural resources inventory search indicated that the Project Site has been developed since the 1950s and no prehistoric or historical archaeological resources have been previously identified on the Site.<sup>28</sup> However, remnants of the water treatment facility previously located on the Site, and demolished within the last 10 years, remain on the Site. The remains of the water treatment facility were determined to not be eligible for listing in CRHR and not historically or archeologically significant. As identified in the cultural resources field survey,<sup>29</sup> no artifacts or other cultural remains of historic importance were identified on the Site. The Site was noted to be highly and frequently disturbed by historic and modern urban encroachment, utilities, homeless encampments, and the demolition of the wastewater treatment facility. Portions of the Site were also observed to have been regularly tilled in accordance with

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27 City of Long Beach General Plan, Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010), accessed March 2021.

28 City of Long Beach General Plan, Historic Preservation Element, [http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element\\_6-22-2010](http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/advance/general-plan/final-long-beach-historic-preservation-element_6-22-2010), accessed March 2021.

29 PaleoWest, Cultural Resource Inventory and Resource Documentation for the Long Beach River Park Development Project, April 16, 2021, Appendix 4.D.2.

bioremediation efforts to treat contaminated soil. In addition, grading of the Project Site is not expected to exceed 8-feet in depth which is likely within the depth of existing disturbance due to demolition and bioremediation activities. Because of the disturbances noted, it is highly unlikely that any intact buried archaeological remains would be present in the Project area. For these reasons, no impacts to archeological resources are anticipated. Impacts would be less than significant.

## **7. CUMULATIVE IMPACTS**

A cumulative analysis for cultural resources evaluates whether impacts of the proposed Project and related projects, when taken as a whole, would have a significant environmental impact on cultural resources. The geographic area for cumulative analysis of cultural resources is the City of Long Beach. The City resides in an urban setting which is mostly built out with new developments occurring primarily as in-fill development, such as the proposed Project. As previously stated, there were no historically or archeologically significant cultural resources identified within the proposed Project. For this reason, the Project would not contribute to any cumulative impacts to Cultural Resources. The proposed Project, combined with other reasonably probable future related developments would not result in a significant cumulative impact related to cultural resources.

Therefore, cumulative impacts during construction and operation would not be cumulatively considered significant.

## **8. MITIGATION MEASURES**

The Project 's impacts, cumulative impacts, and contribution to cumulative impacts would be less than significant. Therefore, no mitigation measures are required.

## **9. LEVEL OF SIGNIFICANCE AFTER MITIGATION**

The proposed Project would have a less than significant impact on cultural resources. Therefore, no mitigation measures would be required.