

IV.N TRIBAL CULTURAL RESOURCES

1. INTRODUCTION

This section of the Draft EIR discusses existing tribal cultural resources and applicable laws and regulations and provides analysis of the potential effects to Tribal Cultural Resources from the proposed Project. This incorporates information from the following materials: Letters of Formal Tribal Notification of the Project dated January 28, 2020 (**Appendix IV.N.1: Letters of Formal Tribal Notification**), Response to AB52 Consultation Letter prepared by Mr. Andrew Salas, Chairman of the Gabrieleno Band of Mission Indians—Kizh Nation, dated February 3, 2020 (**Appendix IV.N.2: Response to AB52 Consultation Letter – Kizh Nation**), the Kizh Nation Mitigation Measures prepared by the Gabrieleno Band of Mission Indians—Kizh Nation dated April 2020 (**Appendix IV.N.3: Kizh Nation Mitigation Measures**), the Cultural Resources Inventory Search dated March 11, 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**).

Prior to the preparation of this Draft EIR, an Initial Study (**Appendix I.1**) was prepared using the CEQA Guidelines Environmental Checklist Form to assess potential environmental impacts resulting from construction and operation of the proposed Project associated with tribal cultural resources. Public Resources Code (PRC) Section 21080.3.1 (Assembly Bill [AB] 52) provides Native American tribes the opportunity to consult on a proposed public or private project should the tribe(s) be concerned there are potential impacts to tribal cultural resources. Seven tribal groups have requested notification by the City of any proposed projects. These tribes include the Gabrielino-Tongva Tribe, the Gabrieleno Tongva Indians of California Tribal Council, the Gabrielino/Tongva Nation, the Torres Martinez Desert Cahuilla Indians, the Gabrieleno/Tongva San Gabriel Band of Mission Indians, the Soboba Band of Luiseno Indians, and the Gabrieleno Band of Mission Indians—Kizh Nation. City initiated consultation with these tribes by letters dated January 28, 2020 and the 30-day period for responses ended on March 2, 2020. Only one response requesting for consultation were received from Gabrieleno Band of Mission Indians—Kizh Nation.

2. ENVIRONMENTAL SETTING

Prehistoric Setting

The Gabrielino tribe were some of the earliest people to occupy the 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.¹ 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.² 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.

Santa Catalina island, which the Gabrielino people took as their territory, received Spanish contact in 1542 when Jaun Rodriguez Cabrillo arrived on the island.³ 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. 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 arrived in the geographic area of the City of Long Beach around the late 18th century. During the Spanish and Mexican reign over Alta California, ownership of southern Los Angeles was largely distributed to government workers through land grants.⁴ 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

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. 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. Accessed March 2021.

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. 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. Accessed March 2021.

property was passed down to his heirs and divided into Rancho Los Alamitos and Rancho Los Cerritos. These two properties encompass what is now 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.⁵ 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 20th century.

The second settlement in the City of Long Beach was created during 1810 when William Erwin Willmore proposed the development of a 4,000-acre site in Rancho Los Cerritos named Willmore City.⁶ 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 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.⁷ 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.

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. 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. Accessed March 2021.

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. Accessed March 2021.

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.⁸ 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.

Existing Conditions

From mid-1920s to 1998, the Project Site operated an oil production water treatment facility from oil wells located throughout Long Beach and Signal Hill. In 1926, Oil Operators, Inc. constructed a wastewater collection facility on the Project property. The facility was built to support the oil industry in the Long Beach/Signal Hill area. 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. The wastewater treatment facility ceased operations in 1998.

The facilities were removed in 2001 with remnants of the facilities remaining on site, including old foundations, roads, and pipes underground. Remediation of the residual oil in the settling basins has been ongoing since 2001 and have been regularly tilled as part of the remediation activities. The Site is currently vacant, studded with mostly nonnative plants and is surrounding by temporary fencing. LA River borders the Site to the west, I-405 to the north, Golden Avenue and residential neighborhood to the east, and Wardlow Road to the south.

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. Accessed March 2021.

3. REGULATORY SETTING

State

Assembly Bill 52

AB 52 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) is filed.⁹ The primary intent of AB 52 is to include California Native American tribes early in the environmental review process and to establish a new category of resources related to Native Americans, known as tribal cultural resources, which require consideration under CEQA. CEQA defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence.¹⁰ PRC Section 21080.3.1¹¹ requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency must provide formal notification to the designated contact, or a tribal representative, of California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC section 21073) and who have requested in writing to be informed by the lead agency (PRC section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation (PRC sections 21080.3.1(d) and 21080.3.1(e)).

PRC section 21080.3.2(a)¹² identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC section 21080.3.2(b)).

9 AB-52 Native Americans: California Environmental Quality Act., An act to amend Section 5097.94 of, and to add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to, the Public Resources Code, relating to Native Americans.

10 PRC, Division 13. Environmental Quality Section 21080.3.2, “Chapter 2.4. Definitions.”

11 PRC, Division 13. Environmental Quality Section 21080.3.1, “Chapter 2.6. General, Tribal Consultation.”

12 PRC, Division 13. Environmental Quality Section 21080.3.2, “Chapter 2.6.”

If a California Native American tribe has requested consultation pursuant to PRC section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) of the statute and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND.¹³ The statute further states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is the authoritative guide to the State's significant archaeological and historical resources.¹⁴ It closely follows the eligibility criteria of the NRHP but deals with State and local-level resources. The CRHR 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 CRHR (PRC, Section 21084.1). A resource is considered eligible for listing in the CRHR if it meets any 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 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 (PRC Section 5024.1(c)).¹⁵*

Historical resources meeting one or more of the criteria listed above are eligible for listing in the CRHR. In addition to significance, resources must have integrity for a period of significance—the date or span of time

13 PRC, Division 13. Environmental Quality Section 21080.3.2, "Chapter 2.6."

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

15 Public Resources Code (PRC), Division 5. Parks and Monuments[5001 - 5873], "CHAPTER 1. State Parks and Monuments," Article 2. Historical Resources (5024.1).

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.”

California Environmental Quality Act

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:¹⁶

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

California Health and Safety Code

The discovery of human remains is regulated per California Health and Safety Code, Section 7050.5, which states the following: ¹⁷

16 PRC Section 21083.2(a).

17 California Health and Safety Code, Division 7, Dead Bodies, Section 7050.5

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation...until the coroner...has determined...that the remains are not subject to...provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible... The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...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.

California Public Resources Code Section 5097.98

Section 5097.98 provides procedures in the event human remains of Native American origin are discovered during project implementation.¹⁸ The statute requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. The statute further requires the NAHC, upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the Site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for the treatment of the human remains and any associated grave goods.

In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the landowner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

Office of Historic Preservation

The Office of Historic Preservation (OHP), an office of the California Department of Parks and Recreation, implements the policies of the NRHP on a Statewide level. The OHP works to preserve California's heritage resources by ensuring that projects and programs carried out or sponsored by federal, State, and local agencies comply with federal and State historic preservation laws.

18 Public Resources Code, Division 5. Parks and Monuments, "Chapter 1.75. Native American Historical, Cultural, and Sacred Sites," Section 5097.98.

Local

City of Long Beach

The City of Long Beach's (City) General Plan does not identify any goals or policies related specifically to tribal resources or tribal cultural preservation ordinance or program in effect.

4. TRIBAL CONSULTATION

A Cultural Resource Inventory search was conducted and a literature review was completed on February 25, 2020 to provide information on tribal cultural resources in the Project area. The search included a cultural literature review and records search of the California Historic Resource Information System (CHRIS). Also, as part of the Cultural Resources Inventory search, PaleoWest contacted the Native American Heritage Commission (NAHC) to request a search of the Sacred Lands File (SLF). The SLF would determine if the NAHC had any knowledge of Native American cultural resources within the immediate vicinity of the Project area. The SLF search returned with a negative result for cultural resources in the area, but the NAHC recommended that tribal groups be contacted to elicit information regarding cultural resource issues related to the proposed Project (see **Appendix 4.D.1**).

The City has on file eight requests from individuals representing seven California Native American tribes traditionally and culturally affiliated with the project area who have requested notice pursuant to PRC Section 21080.3.1(d). As required by PRC Section 21080.3.1 (added to the PRC by AB 52), the City initiated consultation with these tribes by letters dated January 28, 2020 and the 30-day period for responses ended on March 2, 2020 (**Appendix 4.N.1**). The following individuals were contacted by the City: Mr. Charles Alvarez – Gabrielino-Tongva Tribe, Ms. Linda Candelaria – Gabrielino- Tongva Tribe, Mr. Robert F. Dorame – Gabrieleno Tongva Indians of California Tribal Council, Ms. Sandonne Goad – Gabrielino/Tongva Nation, Mr. Michael Mirelez – Torres Martinez Desert Cahuilla Indians, Mr. Anthony Morales – Gabrieleno/Tongva San Gabriel Band of Mission Indians, Mr. Joseph Ontiveros – Soboba Band of Luiseno Indians, and Mr. Andrew Salas – Gabrieleno Band of Mission Indians—Kizh Nation.

One response was received by the City from Mr. Andrew Salas of the Gabrieleno Band of Mission Indians—Kizh Nation requesting consultation. The tribal response letter dated February 3, 2020, confirmed that the proposed Project location was within the tribe's Ancestral Tribal Territory (**Appendix 4.N.2**). Their Tribal Government had thus requested to schedule a consultation with the lead agency to discuss the Project and surrounding location in further detail.

Due to the unusual circumstances surrounding the COVID-19 pandemic, an in-person consultation was not conducted. Consultation was conducted via phone and email. A second letter was provided identifying suggested mitigation measures appropriate for the proposed Project. Mitigation measures included Native American Monitoring/Consulting provided by a documented lineal descendant from the ancestral Tribe of the project area, Unanticipated Discovery of Tribal Cultural and Archaeological Resources, PRC Sections

21083.2(b), Unanticipated Discovery of Human Remains and Associated Funerary Objects, Resources Assessment & Continuation of Work Protocol, Kizh—Gabrieleno Procedures for burials and funerary remains, Treatment Measures, and Professional Standards.

As a result of these outreach efforts, the City has agreed to incorporate the mitigation measures recommended by the Gabrieleno Band of Mission Indians—Kizh Nation. Consultation on the Project was completed in September 2021.

5. 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 have a significant impact related to tribal resources if it would:

- a) **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §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:**

Threshold 4. TCR-1: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC § 5020.1(k).

Threshold 4. TCR-2: 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 PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

6. METHODOLOGY

Existing available data provided by the cultural literature review and records search of the California Historic Resource Information System (CHRIS) and SLF, and AB 52 consultation with the Gabrieleno Band of Mission Indians—Kizh Nation tribe were used to determine the known location of TCRs and sensitive locations, which would have a high probability to encounter TCRs. The data on sensitive locations would help determine the level of potential impact the proposed Project would have on tribal resources and if any mitigation measures would be required. The potential project impact level on TCRs after incorporation of mitigation measures, if any, would also be assessed to determine the final proposed Project impacts on TCRs.

7. PROJECT IMPACTS

- a) **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §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:**

Threshold TCR-1: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC § 5020.1(k)

For purposes of this analysis, a tribal cultural resource (TCR) is considered a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe.

A records search was conducted, which included the Project Site and a quarter-mile radius, for the purpose of identifying any known cultural resources within the vicinity of the Project Site.¹⁹ The records search included a review of the Office of Historic Preservation Archaeological Determination of Eligibility, the Office of Historic Preservation Directory of Historic Properties Data File, and a literature review by the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. The records search indicated that the Project Site has been developed since the 1950s and historical archaeological resources may exist on site.

Additionally, a cultural resources field survey was completed to assess historic resources on-site.²⁰ During the field visit, the archaeologist walked over the Project Site and inspected landforms which were likely to contain or exhibit archaeological or historical remains. Cultural resources identified during the survey were recorded on appropriate California Department of Parks and Recreation (DPR) Series 523 forms. For this study, a cultural resource is defined as any archaeological remains or standing building or structure that are greater than 45 years of age. Based on the findings of the cultural resource inventory, the historic-era remnants of the oil wastewater treatment facility (20-124-01H) and the in-use historical Baker Street roadway, were documented and evaluated for listing on the California Register Historical Resources (CRHR). Both resources were found to be ineligible for CRHR listing and does there are no indication these resources are significant TCRs as defined in in PRC Section 21074. For details regarding the historical use of Baker Street roadway and the historic-era remnants, please refer to **Section IV.D: Cultural Resources**.

Based on the cultural resources inventory and field survey findings, the remnants of the oil wastewater treatment facility (20-124-01H) and the segment of Baker Street on the Project Site were not determined to be eligible for listing on the CRHR. In addition, the Project Site has been highly and frequently disturbed

19 PaleoWest, Cultural Resource Inventory for the Long Beach River Park, March 11, 2020, **Appendix IV.D.1**.

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

by the construction, removal, and bioremediation of the former wastewater treatment facility site. As such, it is unlikely that any intact buried archaeological remains are present in the Project area.

Regardless, ground disturbance has the potential to unearth unknown TCRs which would be addressed by mitigation measures included later on in this section. The proposed Project would not cause a substantial adverse change in the significance of TCRs eligible for CRHR or local register listing. Impacts to TCRs eligible for listing would be less than significant.

Threshold TCR-2: 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 PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

For purposes of this analysis, a TCR is considered a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe.

As previously mentioned, a cultural resources inventory search was conducted, concluding that no historic or prehistorical archaeological resources were identified within the recorded search area.²¹ The NAHC reported that the results of the SLF search were negative for cultural resources identified in the Project area, but they recommended that the City reach out to any tribal contacts relevant to the area in order to ensure that no TCRs might be present. AB 52 consultation letters were sent out on January 28, 2020 and a request for consultation was received on February 3, 2020 from the Gabrieleno Band of Mission Indians—Kizh Nation. At the conclusion of the consultation process, the City received the Protection of TCRs Letter, including mitigation measures recommended by the Gabrieleno Band of Mission Indians—Kizh Nation. The letter with recommended mitigation measures can be found in **Appendix IV.N.3** of this Draft EIR.

In accordance with AB 52, the City contacted local tribes to request consultation regarding the project and have received the Protection of Tribal Cultural Resources letter from the Gabrieleno Band of Mission Indians—Kizh Nation.²² The letter includes mitigation measures recommended by the Tribe. The mitigation measures focused on monitoring procedures during construction, which would be conducted by a Tribal monitor/consultant who is both ancestrally affiliated with the Project area and approved by Gabrieleno Band of Mission Indians—Kizh Nation. These measures are incorporated into this proposed Project and are discussed below.

21 PaleoWest, Cultural Resource Inventory for the Long Beach River Park, March 11, 2020, **Appendix IV.D.1.**

22 Gabrieleno Band of Mission Indians—Kizh Nation, Protection of Tribal Cultural Resources (TCRs), April 2020, **Appendix IV.N.3.**

Ground disturbing activities that would be employed during construction of the proposed Project would include site clearing, bioremediation, grubbing, and grading. As a result, these activities may disturb unknown TCRs as well as human remains, including those interred outside of dedicated cemeteries. Lands within the footprint of the proposed Project are not known to contain any unmarked graves or human remains. However, the proposed Project includes ground disturbance activities which has the potential to expose previously unknown human remains, including Native American remains.

No tribal cultural resources as defined in PRC Section 21074(a) and (b) have been identified as a result of the inventory searches, field survey, or consultation conducted for the proposed Project. Operation of the proposed Project would not involve ground disturbing activities with the potential to unearth or impact on site TCRs or result in substantial adverse change in the significance of TCRs. Potential construction Impacts to PRC Section 5024.1 resources would be less than significant with mitigation measures implemented below.

8. CUMULATIVE IMPACTS

A cumulative analysis for TCR's evaluates whether impacts of the proposed Project and related projects, when taken as a whole, would have a significant environmental impact on TCR's. The geographic area for cumulative analysis of TCR's is the City of Long Beach. The City is almost completely built out with most new development occurring as in-fill development, such as the proposed Project.

The cumulative context for TCRs is within the Gabrieleno Tribal Territory which encompasses land within Los Angeles County. As previously stated, there were no TCRs identified within the Project Site. Additionally, the City has consulted with Tribal representatives and recognizes the potential sensitivity. The possible impacts to TCRs and human remains are mostly local and would not include surrounding areas unless a significant resource was identified. Since no TCRs are identified on site, and impacts to TCRs are typically highly localized, the proposed Project would result in a less than significant cumulative impact related to TCRs after the implementation of the proposed Mitigation Measures. No impacts to TCR's are anticipated during operation of the proposed Project since no ground disturbance is anticipated.

9. MITIGATION MEASURES

The following Mitigation Measures (MMs) have been identified and are based on available information and the AB 52 consultation process with the identified tribes as described in sub-heading *4: Tribal Consultation* of this section.

MM TCR-1: Retain a Native American Monitor/Consultant

During ground disturbing construction activity, the Project Applicant shall be required to retain and compensate for the services of a single Tribal monitor/consultant who is both

ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians—Kizh Nation Tribal Government, listed under the Native American Heritage Commission’s (NAHC) Tribal Contact list for the area of the project location. The Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all initial project-related, ground-disturbing construction activities , 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 Project 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 Project Site 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-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources

Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. 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 preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If the qualified archaeologist determines a resource 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.

MM TCR-3: PRC Section 21083.2(b)

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. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

MM TCR-4: 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 NAHC and PRC 5097.98 shall be followed.

MM TCR-5: Resource Assessment & Continuation of Work Protocol

Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. 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 human and subsequently 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-6: Kizh—Gabrieleno Procedures for Burials and Funerary Remains

If the Gabrieleno Band of Mission Indians—Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy 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 preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human

remains. The prepared soil and cremation soils 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-7: Treatment Measures

Prior to the continuation of ground disturbing activities, the landowner 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 and/or destructive 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 Project Site 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.

10. LEVEL OF SIGNIFICANCE AFTER MITIGATION

Construction

Ground-disturbing activities that would be employed during construction of the proposed Project would include site clearing, bioremediation, grubbing, and grading. As a result, these activities may disturb TCRs and/or human remains, including those interred outside of dedicated cemeteries. Lands within the footprint of the proposed Project are not known to contain any unmarked graves or human remains. However, the loss of any previously unknown human remains, including native American remains, may be significant.

A Tribal Monitor would be retained to oversee all Project-related ground disturbing construction activities in accordance with **MM TCR-1**. Monitoring would ensure any unknown TCRs that are unearthed during ground disturbing activities are identified and protected. **MM TCR-2** and **MM TCR-3** discuss the discovery of any tribal cultural or archaeological resources and the proper treatment of each resource if found. Tribal resources are to be evaluated and qualified to determine treatment and curation of the item, while unique archaeological resources would be preserved in place until assessed. **MM TCR-2** and **MM TCR-3** ensures unearthed TCRs are properly processed post discovery. If Native American human remains are unearthed, **MM TCR-4** through **MM TCR-7** state that a County Coroner must be contacted to identify the remains and if they are those of a Native American, the coroner must contact the NAHC and PRC 5097.98 shall be followed. Construction work would be diverted while identification of the remains is in progress. If the Gabrieleno Band of Mission Indians—Kizh Nation is designated as a Most Likely Descendent (MLD), traditional Koo-nas-gna Burial Policy would take place. Additionally, in the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be protected until an arrangement is made for the remains relocation or re-burial. With the implementation of **MM TCR-4** through **MM TCR-7**, Native American human remains would be properly processed and impacts to human remains found on site would be reduced to a less than significant level.

With implementation of **MMs TCR-1** to **MM TCR-7**, potentially significant impacts to TCRs and human remains would be reduced to a level that is less than significant. These measures would work to prevent the destruction and loss of sensitive TCRs and ensure the proper disposition of human remains. There are no significant unavoidable adverse impacts of the proposed Project related to TCRs. The proposed Project would have less than significant impacts with mitigation measures incorporated.

Operation

There are no significant impacts associated with the operation of the proposed Project. Impacts would be less than significant.