

5. Environmental Analysis

5.15 TRIBAL CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Century Villages at Cabrillo Specific Plan (Specific Plan) to impact tribal cultural resources in the City of Long Beach—specifically, in the area covered by the Specific Plan (Plan Area). Tribal cultural resources include landscapes, sacred places, or objects with cultural value to a California Native American Tribe. Other potential impacts to cultural resources (i.e., prehistoric, historic, and disturbance of human remains) are evaluated in Section 5.3, *Cultural Resources*, and impacts to paleontological resources are addressed in Section 5.5, *Geology and Soils*.

The analysis in this section is based in part on the following source:

- *Cultural and Paleontological Resources Assessment Report*, Cogstone, November 2020

A complete copy of this technical report is included in Appendix D of this DEIR.

5.15.1 Environmental Setting

5.15.1.1 REGULATORY BACKGROUND

Federal and state laws, regulations, plans, or guidelines related to archeological resources that are applicable to the Specific Plan are summarized below.

Federal

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal and Indian lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony to lineal descendants and culturally affiliated Indian tribes.

State

California Public Resources Code

Archaeological resources are protected pursuant to a wide variety of state policies and regulations enumerated under the California Public Resources Code. In addition, cultural resources are recognized as a non-renewable resource and therefore receive protection under the California Public Resources Code and CEQA.

- California Public Resources Code 5097.9–5097.991 provides protection to Native American historical and cultural resources, and sacred sites and identifies the powers and duties of the Native American

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Heritage Commission (NAHC). It also requires notification to descendants of discoveries of Native American human remains and provides for treatment and disposition of human remains and associated grave goods.

- California Public Resources Code 5097.9 states that no public agency or private party on public property shall “interfere with the free expression or exercise of Native American Religion.” The code further states that “No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine... except on a clear and convincing showing that the public interest and necessity so require. County and city lands are exempt from this provision, except for parklands larger than 100 acres.”

California Health and Safety Code

The discovery of human remains is regulated per California Health and Safety Code Section 7050.5, which states that “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 Register of Historical Resources

The California Register of Historic Resources is the state version of the National Register of Historic Resources program (see also Section 5.3, *Cultural Resources*). It was enacted in 1992 and became official January 1, 1993. The California Register was established to serve as an authoritative guide to the state’s significant historical and archaeological resources. Resources that may be eligible for listing include buildings, sites, structures, objects, and historic districts. According to subsection (c) of Public Resources Code Section 5024.1, a resource may be listed as a historical resource in the California Register if it meets any of the four National Register criteria.

Senate Bill 18

Existing law provides limited protection for Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places. These places may include sanctified cemeteries, religious, ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites.

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Senate Bill 18 (SB 18) was signed into law in September 2004 and went into effect on March 1, 2005. It places requirements upon local governments for developments within or near “traditional tribal cultural places” (TTCP). SB 18 requires local jurisdictions to provide opportunities for involvement of California Native Americans tribes in the land planning process for the purpose of preserving TTCPs. The Final Tribal Guidelines recommend that NAHC provide written information as soon as possible but no later than 30 days after receiving notice of the project to inform the lead agency if the proposed project is determined to be in proximity to a TTCP and another 90 days for tribes to respond to a local government if they want to consult with the local government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. Forty-five days before the action is publicly considered by the local government council, the local government refers action to agencies, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by NAHC who have requested consultation, or it may not. If NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, it would be included in the project’s EIR.

SB 18 requires a city or county to consult with NAHC and any appropriate Native American tribe for the purpose of preserving relevant TTCP’s prior to the adoption, revision, amendment, or update of a city’s or county’s general plan. Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, the Final Tribal Guidelines advise that SB 18 requirements extend to specific plans as well, since state planning law requires local governments to use the same process for amendment or adoption of specific plans as general plans (defined in Government Code Section 65453). In addition, SB 18 provides a new definition of TTCP, requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 law also amended Civil Code Section 815.3 and adds California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

Assembly Bill 52

The Native American Historic Resource Protection Act (Assembly Bill 52 or AB 52) took effect July 1, 2015, and incorporates tribal consultation and analysis of impacts to tribal cultural resources (TCRs) into the CEQA process. Under AB 52, a tribal cultural resource is defined similar to tribal cultural places under SB 18—sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. Or the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a tribal cultural resource.

AB 52 requires TCRs to be analyzed like any other CEQA topic and establishes a consultation process for lead agencies and California tribes. It requires inclusion of a new section in CEQA documents titled Tribal Cultural Resources.

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Similar to SB 18, AB 52 requires consultation with tribes at an early stage to determine whether the project would have an adverse impact on a TCR and define mitigation to protect them. Per AB 52, within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested in writing to be notified. The tribe then has 30 days of receiving the notification to respond if it wishes to engage in consultation. The lead agency must initiate consultation within 30 days of receiving the request from the tribe. Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a TCR, or a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached. Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCR's and discuss feasible alternatives or mitigation that avoid or lessen the impact.

5.15.1.2 EXISTING CONDITIONS

Cultural Setting – Ethnohistory

The following ethnographic information is summarized from the Cultural and Paleontological Resources Assessment Report prepared for the Specific Plan by Cogstone (Appendix D).

Early Native American peoples of the Plan Area are poorly understood. They were replaced about 1,000 years ago by the Gabrielino (Tongva) who were semi-sedentary hunters and gatherers. The Gabrielino speak a language that is part of the Takic language family. Their territory encompassed a vast area stretching from Topanga Canyon in the northwest, to the base of Mount Wilson in the north, to San Bernardino in the east, Aliso Creek in the southeast and the Southern Channel Islands, in all an area of more than 2,500 square miles. At European contact, the tribe consisted of more than 5,000 people living in various settlements throughout the area. Some of the villages could be quite large, housing up to 150 people.

The Gabrielino are considered to have been one of the wealthiest tribes and to have greatly influenced tribes they traded with. Houses were domed, circular structures thatched with tule or similar materials. The best known artifacts were made of steatite and were highly prized. Many common everyday items were decorated with inlaid shell or carvings reflecting an elaborately developed artisanship.

The main food zones utilized were marine, woodland, and grassland. Plant foods were, by far, the greatest part of the traditional diet at contact. Acorns were the most important single food source. Villages were located near water sources necessary for the leaching of acorns, which was a daily occurrence. Grass seeds were the next most abundant plant food used along with chia. Various teas were made from flowers, fruits, stems, and roots for medicinal cures as well as beverages.

The principal game animals were deer, rabbit, jackrabbit, woodrat, mice, ground squirrels, antelope, quail, dove, ducks, and other birds. Trout and other fish were caught in the streams, while salmon were available when they ran in the larger creeks. Sea mammals, fish, and crustaceans were hunted and gathered from both the shoreline and the open ocean, using reed and dugout canoes. Shellfish were the most common resource, including abalone, turban, mussels, clams, scallops, bubble shells, and others.

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The nearest Gabrielino community to the Plan Area is the Povuu'nga community, located along the San Gabriel River within the coastal region. It is one of three important Gabrielino communities within the region and was founded by refugees from the San Gabriel area. Povuu'nga most likely served as a ritual center for the Gabrielino communities of the area based on the description given by Father Geronimo Boscana. Povuu'nga was described as the birthplace of both Wewyoot (the first tomyaar), and the creator-god and spiritual being Chengüichgech. Povuu'nga is likely located on a hilltop site occupied by historic Rancho Los Alamitos in the City of Long Beach. The community existed until at least 1805 based on baptismal records from the San Gabriel and San Juan Capistrano missions. The Plan Area was not home to any known major villages. However, it is likely smaller villages and seasonal camps were present in the vicinity of the Plan Area.

Cultural Resources

Records Search Results

A cultural resources records search of the California Historical Resources Information System (CHRIS) was conducted by Cogstone in late October 2019 at the South Central Coastal Information Center (SCCIC). The purpose of the records search was to determine the extent of previous cultural resources investigations and the presence of previously-recorded archaeological sites or historic-period (i.e., more than 50 years in age) resources in the Plan Area and within a one-mile (1600-meter) radius of the Plan Area.

The CHRIS records search indicated that seven cultural resources investigations were conducted within a one-mile radius of the Plan Area between 1975 and 2014. The records search also determined that six previously recorded resources are located within the Plan Area boundaries and an additional 18 other cultural resources are within the one-mile search radius of the Plan Area, all of which are historic built environment resources (buildings/structures). Details of cultural resources investigations and resources are presented in Section 5.3, *Cultural Resources*.

In addition to the CHRIS records search, a variety of sources were consulted by Cogstone in October 2019 to obtain information regarding the cultural context of the Plan Area. Sources included the National Register of Historic Places, the California Register of Historic Resources, California Historical Resources Inventory, California Historical Landmarks, and California Points of Historical Interest. With the exception of the California Historical Resources Inventory and Bureau of Land Management (BLM) General Land Office Records, the results of the records search of the other sources were negative. The results of the California Historical Resources Inventory records search were positive—specifically, the same six historic built environment resources (buildings/structures) identified in the CHRIS records search. BLM records showed land patents from 1851 under the Spanish Mexican Grant.

Aside from the six historic built environment resources, no other historic-era cultural resources or built environment cultural resources are present in the Plan Area. Additionally, although the general region of the Plan Area is known to have been within the territory of Gabelino, no pre-contact or historic-era cultural resources were identified during the records search.

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Sacred Lands File Search Results

A search of the Sacred Lands File by NAHC was requested by Cogstone in late October 2019. This search was requested to determine whether there are sensitive or sacred Native American resources on or in the vicinity of the Plan Area that could be affected by the Specific Plan. Results of the Sacred Lands File records search were received by ECORP in early December 2019. The results of the Sacred Lands File records search were negative, indicating no record for the presence of Native American Sacred Lands within the Plan Area. NAHC did however, note that the absence of specific site information in the Sacred Lands File does not indicate the absence of Native American cultural resources in the area. The NAHC recommended that five representatives from local Native American tribal organizations be contacted for further information regarding the Project vicinity.

Historic Aerial and Map Review Results

Cogstone conducted a review of historic-period USGS topographic maps and aerial photographs of the Plan Area and vicinity. The earliest topographic map for the Plan Area is the 1896 Downey topographic map and does not show any development in the area, but roads, trains, building structures, and a bridge are present in the vicinity. Between 1896-1922 there are no changes in development of the Plan Area. The 1923 Wilmington Quad map shows no development in the Plan Area, with additional development appearing south of the Plan Area. The 1942 Downey 15' Quad map shows no development in the Plan Area but it does show further development in the surrounding area, as well as Highway 101, which is the present day Pacific Coast Highway. The 1943 Downey shows roads developed within the Plan Area. The 1964 Long Beach 7.5' Quad shows buildings and structures in the Plan Area. Between 1964-1981, topo maps show no more changes in development. At present, 42 buildings within the boundaries of Plan Area are considered historic in age.

Although the general region of the Plan Area is known to have been within the territory of Gabrielino, no other historic-era cultural resources or built environment cultural resources are present in the Plan Area based on a review of the historic-period USGS topographic maps and aerial photographs.

Field Survey Results

Cultural field work was conducted by Cogstone archaeologists in December 2019 and consisted of an intensive systematic pedestrian survey of the Plan Area. The Plan Area was examined for the presence of cultural artifacts and features by walking the Plan Area, using 1- and 10-meter-wide transects. Although the general region of the Plan Area is known to have been within the territory of Gabrielino, no pre-contact or historic-era cultural resources were visible or observed within the boundaries of the Plan Area during the field survey.

Existing Site Conditions

The Plan Area encompasses 27 acres within a portion of a former United States Naval housing facility located at 2001 River Avenue, on the western edge of the City of Long Beach. As shown in Figure 3-3, *Aerial Photograph*, the Plan Area is fully developed and in a highly urbanized area of the City. The Plan Area has been developed and redeveloped over the past seventy years and the former Naval housing and facilities have either been rehabilitated or removed for new construction. Existing land uses in the Plan Area are comprised of a

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combination of one- and two-story rehabilitated Naval housing and new one- to five-story residential buildings, some of which are built over enclosed garages that are lined with ground floor functions including service providers and community spaces. Other improvements, features and amenities in the Plan Area include open space, recreation, and common areas; activity centers; pedestrian and bicycle paths; parking lots and drive aisles; and hardscape and landscape improvements.

5.15.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- TCR-1 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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:
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

5.15.2.1 IMPACT ANALYSIS

The following impact analysis addresses thresholds of significance for which the Initial Study (Appendix A) disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.15-1: Grading activities have the potential to encounter unknown, buried tribal cultural resources. [Thresholds TCR-1.i and TCR-1.ii]

Impact Analysis: As stated earlier, TCR's are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that is either eligible or listed in the California Register of Historical Resources or local register of historical resources (Public Resources Code Section 21074). Additionally, the lead agency (City of Long Beach), supported by substantial evidence, chooses at its discretion to treat the resource as a TCR. As also stated above, TTCP's are Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places with cultural value to a California Native American tribe.

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Following is a discussion of the potential impacts to Native American cultural resources, including TCRs and TTCP's, as a result of development that would be accommodated by the Specific Plan.

Cultural Resources Records Search Results

As described in Section 5.3, *Cultural Resources*, aside from the three existing historic built environment resources, no other historic-era cultural resources or built environment cultural resources are present in the Plan Area. Furthermore, all historic aged buildings onsite were evaluated and none were recommended as eligible for listing at the local, state, or national level. Additionally, although the general region of the Plan Area is known to have been within the territory of Gabrielino, no pre-contact or historic-era cultural resources were identified during the records search.

Field Survey and Historical Aerials and Maps Review Results

Cultural field work was conducted by Cogstone archaeologists in December 2019 and consisted of an intensive systematic pedestrian survey of the Plan Area. The Plan Area was examined for the presence of cultural artifacts and features by walking the Plan Area, using 1- and 10-meter-wide transects. Although the general region of the Plan Area is known to have been within the territory of Gabrielino, no pre-contact or historic-era cultural resources were visible or observed within the boundaries of the Plan Area during the field survey.

Additionally, Cogstone conducted a review of historic-period USGS topographic maps and aerial photographs of the Plan Area and vicinity. As noted above, although the general region of the Plan Area is known to have been within the territory of Gabrielino, no historic-era cultural resources or built environment cultural resources are present in the Plan Area based on a review of the historic-period USGS topographic maps and aerial photographs.

Sacred Lands File Search Results

As noted earlier, a Sacred Lands File search was conducted by NAHC to determine if any sacred lands or traditional cultural properties had been identified on or near the Plan Area. This search was requested by Cogstone to determine whether there are sensitive or sacred Native American resources on or in the vicinity of the Plan Area that could be affected by the Specific Plan. Results of the Sacred Lands File records search were received by Cogstone in December 2019. The results of the Sacred Lands File records search were negative, indicating no record for the presence of Native American Sacred Lands within the Plan Area.

NAHC also recommended that five representatives from local Native American tribal organizations be contacted for further information regarding the Plan Area, which the City conducted under AB 52 and SB 18.

AB 52 Consultation Results

Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to TCRs, and reduce the potential for delay and conflict in the environmental review process. The intent of the consultations is to provide an opportunity for interested Native American contacts to work

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together with the lead agency (in this case, the City of Long Beach) during the project planning process to identify and protect TCRs.

In accordance with the provisions of AB 52, the City sent formal notification letters on November 21, 2019, to the following tribes:

- Gabrielino-Tongva Tribe;
- Gabrieleno Tongva Indians of California Tribal Council;
- Gabrielino/Tongva Nation;
- Torres Martinez Desert Cahuilla Indians;
- Gabrieleno/Tongva San Gabriel Band of Mission Indians;
- Soboba Band of Luiseno Indians; and
- Gabrieleno Band of Mission Indians – Kizh Nation.

The letter included a brief description of the Specific Plan and Plan Area location. The 30-day noticing requirement under AB 52 was completed around December 23, 2019, 30 days from the date the tribes received the notification letter. To date, none of the tribes has responded to the City's notification letter. Therefore, the AB 52 consultation process was deemed complete and no impacts to TCR's are anticipated.

However, as a matter of policy, the City requires a tribal monitor be given access to any construction site during grading activities. Typical condition of approval text is provided below. A similar condition of approval will be added to the Specific Plan approval.

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

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SB 18 Consultation Results

The City notified local tribes identified by NAHC about the Specific Plan on February 6, 2020, pursuant to the requirements of SB 18. The purpose of the notification letter was to invite local tribes to consult pursuant to SB 18 and to provide an opportunity for the City and interested tribes to work together in the project planning process in order to protect TTCP's that might not be known to the City or recorded at the SCCIC. The letter included a brief description of the Specific Plan and Plan Area location.

In accordance with the provisions of SB 18, the following tribes were notified:

- Gabrielino-Tongva Tribe;
- Gabrieleno Tongva Indians of California Tribal Council;
- Gabrielino/Tongva Nation;
- Torres Martinez Desert Cahuilla Indians;
- Gabrieleno/Tongva San Gabriel Band of Mission Indians;
- Soboba Band of Luiseno Indians; and
- Gabrieleno Band of Mission Indians – Kizh Nation.

To date, none of the tribes has responded to the City's notification letter. The City received a consultation request from the Gabrieleno Band of Mission Indians – Kizh Nation. A consultation was scheduled for April 29, 2020. The day of the consult, the Gabrieleno administration requested to reschedule the consult to May 1, 2020. On May 1st, they were not available, and stated they would put any concerns or information in a letter addressed to the City. To date, no letter has been received.

While there is no evidence that TCRs exist on the surface of the Plan Area, it is possible that previously unknown TCRs could exist in undisturbed soils on the site. Therefore, impacts are potentially significant.

5.15.3 Cumulative Impacts

Implementation of the Specific Plan in conjunction with other planned projects in other areas of the City, in accordance with the projections of the Long Beach General Plan, could unearth unknown significant cultural resources, including TCRs and/or TTCP's. Other planned development projects in the City would involve ground disturbance and could damage TCR's and/or TTCP's that could be buried in those project sites.

However, other development projects would require the preparation of site-specific cultural resource assessments, which would include some degree of surface-level surveying. As a part of the assessments, a cultural resources records search of the CHRIS and a Sacred Land Files search would also be required. Additionally, as with the Specific Plan, other development projects would similarly be required to comply with all applicable existing regulations, procedures, and policies that are intended to address TCR and TTCP impacts, including consultation under AB 52 and SB 18 (if required), which addresses accidental discoveries of archaeological sites and resources, including TCR's and TTCP's. Furthermore, there are no cumulative development projects adjacent to the Plan Area which could contribute to a significant impact to tribal cultural resources; impacts would not be cumulatively considerable.

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5.15.4 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- **Impact 5.15-1** Grading activities have the potential to encounter unknown, buried tribal cultural resources.

5.15.5 Mitigation Measures

TCR-1 Prior to the issuance of any grading permit, the City of Long Beach Development Services Department shall ensure that the construction contractor provide access for Native American monitoring during ground-disturbing activities. This provision shall be included on project plans and specifications. The site shall be made accessible to any Native American tribe requesting to be present, provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur.

TCR-2 Should a potential TCR be encountered and no monitors are present, construction activities near the encounter shall be temporarily halted within 50 feet of the discovery and the City notified. The City will notify Native American tribes that have been identified by the Native American Heritage Commission to be traditionally and culturally affiliated with the geographic area of the Proposed Project. If the City determines that the potential resource is a TCR (as defined by PRC, Section 21074), tribes consulting under AB 52 and SB 18 would be provided a reasonable period of time, typically 5 days from the date a new discovery is made, to conduct a site visit and make recommendations regarding future ground disturbance activities, as well as the treatment and disposition of any discovered TCRs. A qualified archaeologist shall implement a plan for the treatment and disposition of any discovered TCRs based on the nature of the resource and shall consider the recommendations of the tribe(s). Implementation of proposed recommendations will be made based on the determination of the City that the approach is reasonable and feasible. All activities shall be conducted in accordance with applicable regulatory requirements.

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

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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.

TCR-4 **Unanticipated Discovery of Tribal Cultural and Archaeological Resources.** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleno Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleno Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

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

TCR-6 **Resource Assessment & Continuation of Work Protocol.** Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the

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construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

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

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

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

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

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

5.15.6 Level of Significance After Mitigation

Implementation of Mitigation Measures TCR-1 through TCR-9 require a Native American monitor and ensures that if TCRs are encountered resources are properly treated. With mitigation, impacts would be less than significant.

5.15.7 References

Cogstone. 2020, November. Cultural and Paleontological Resources Assessment Report.