

## **APPENDIX A**

# **NOTICE OF PREPARATION AND COMMENT LETTERS**

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## NOTICE OF PREPARATION

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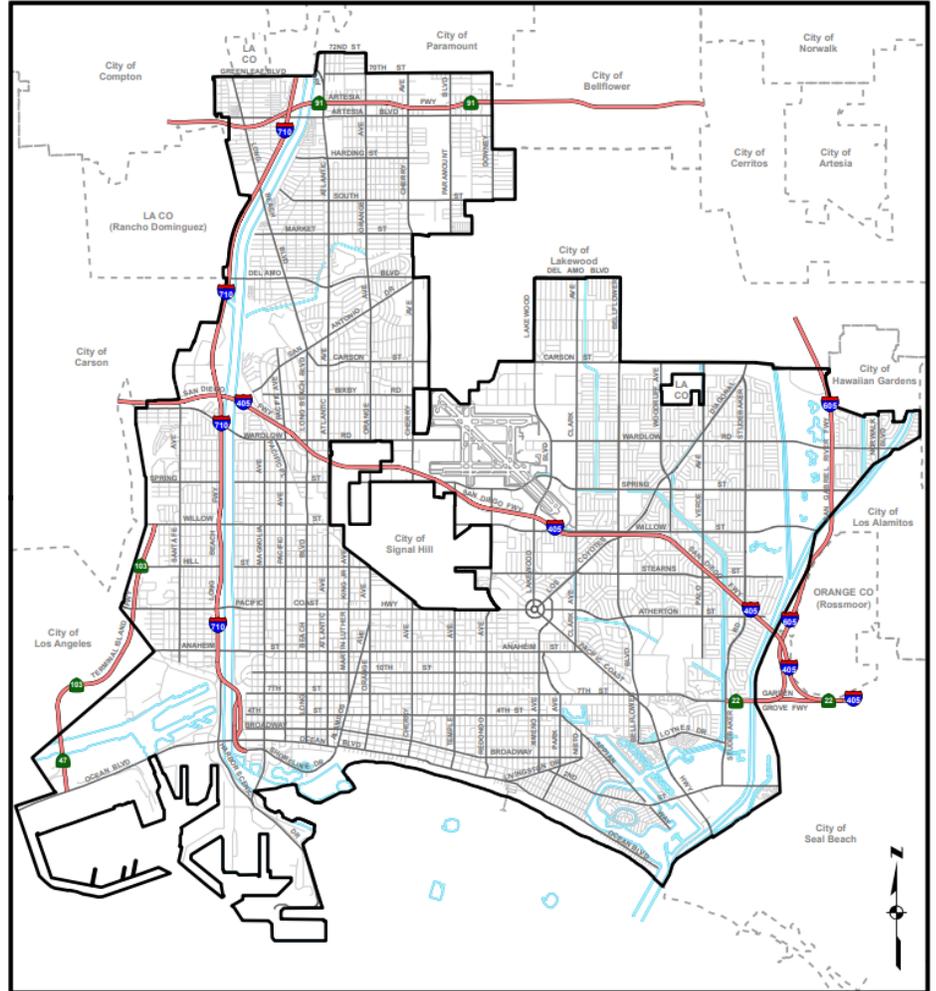
# PUBLIC NOTICE OF SCOPING MEETING/NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT

**Proposed Project:** Climate Action and Adaptation Plan and Safety Element Update

**Lead Agency:** City of Long Beach

In accordance with the California Environmental Quality Act (CEQA) and the *State CEQA Guidelines*, this Notice of Preparation (NOP) has been prepared for the proposed project in Long Beach, California. The City of Long Beach (City) is the Lead Agency responsible for preparing an Environmental Impact Report (EIR) addressing potential environmental impacts associated with the proposed project. Per *State CEQA Guidelines* Section 15060(d), if the Lead Agency can determine that an EIR will be clearly required for a project, the Lead Agency may skip further initial review of the project and begin work directly on the EIR process. In the absence of an Initial Study, the Lead Agency shall still focus the EIR on the significant effects of the project and indicate briefly its reasons for determining that other effects would not be significant or potentially significant. The City has determined that an EIR is clearly required for the proposed project. As such, preparation of the EIR has been initiated and an Initial Study will not be prepared for the project.

**PROJECT DESCRIPTION:** The analysis in the Draft EIR will be based on the proposed Climate Action and Adaptation Plan (CAAP) and General Plan Safety Element Update. The location of the proposed project (also referred to as the “planning area”) encompasses the entire 50 square miles within the limits of the City of Long Beach (excluding the City of Signal Hill, which is completely surrounded by the City of Long Beach) in Los Angeles County, California.



The proposed project is the adoption of a Climate Action and Adaptation Plan (CAAP) and associated minor amendments to the General Plan Safety Element to recognize climate impacts and incorporate climate adaptation and resiliency strategies. The proposed CAAP is a comprehensive planning document outlining the City’s proposed approach both to address climate impacts on Long Beach and to reduce Long Beach’s impact on the climate by reducing future GHG emissions. The proposed CAAP provides a framework to reduce the City’s GHG footprint (climate action) and ensure the community and physical assets are better protected from the impacts of climate change (climate adaptation). The vision of the proposed CAAP is to create a more sustainable, resilient, and equitable city by addressing climate change in a way that remedies existing environmental health disparities while also improving health, quality of life, and enhancing economic vitality throughout Long Beach. The proposed CAAP includes a roadmap for implementing new policies, programs, incentives, requirements, projects, and initiatives in the immediate future, as well as longer-term actions that will need to be studied further while monitoring how the climate continues to change and evaluating the effectiveness of actions taken. Proposed updates to the Safety Element will incorporate climate adaptation and resiliency considerations and strategies associated with the CAAP.

In order to comply with various State laws, including Senate Bill 1078 and Senate Bill 350, the proposed project includes strategies and measures related to renewable energy. In order to comply with Senate Bill 99, Assembly Bill 747, Senate Bill 1035, Senate Bill 1000, Senate Bill 379, Assembly 691, and Assembly 162, the proposed project includes strategies and measures related to climate change

adaptation. In order to comply with Assembly Bill 32, Executive Order B-30-15, Senate Bill 32, and Executive Order B-55-18 the proposed project includes strategies and measures related to emissions reduction targets. In order to comply with Senate Bill 375 and Senate Bill 743, the proposed project includes strategies and measures related to transportation and land use.

Required discretionary actions associated with the project include approval of the proposed CAAP, approval of minor amendments to the Safety Element to incorporate climate adaptation and resiliency, and certification of the EIR.

**POTENTIAL ENVIRONMENTAL IMPACTS:** The proposed project, does not result in any physical improvements but rather is a planning action intended to comply with a variety of State laws and identify a comprehensive climate action and adaptation plan that provides mitigation measures and adaptation strategies for achieving emission reduction targets and climate resiliency. The Draft EIR will examine potential environmental impacts generated by the proposed project in relation to the following Environmental Analysis categories: Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. Because the project does not include any physical land use changes or physical improvements, environmental impacts related to Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Mineral Resources, and Wildfire are not anticipated to be significant or potentially significant requiring a detailed analysis; the reasons for this determination will be included in a brief discussion in the EIR.

**PROJECT SCOPING PROCESS:** Circulation of this NOP starts a 32-day public review and comment period on the scope of the Draft EIR that begins on **August 23, 2021, and ends on September 24, 2021**, at 5:00 p.m. All interested parties, including the public, responsible agencies, and trustee agencies, are invited to provide comments and input on the scope of and content of the environmental analysis to be addressed in the Draft EIR. Responsible and trustee agencies should provide comments and input related to the agencies' respective areas of statutory responsibility. Comments received during the scoping period will be considered during preparation of the Draft EIR. Public agencies and interested parties will have an additional opportunity to comment on the proposed project during the 45-day public review period to be held after the publication and circulation of the Draft EIR.

**SCOPING MEETING:** Pursuant to Executive Order N-08-21, signed on June 11, 2021, a local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth in EO N-08-21, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment. As such, due to the ongoing COVID-19 pandemic, the City will conduct a virtual Public Scoping Meeting in order to present the EIR process and to receive public comments.

The City invites interested parties to the following public scoping meeting for the proposed project in order to learn more about the project, ask questions, and submit comments. The City will accept written comments only during the aforementioned public review period. Comments must be submitted via email or letter to the contact below. Comments made via other means, including social media, or delivered to other recipients, will not be accepted or considered.

**DATE:** Wednesday, September 1, 2021      **TIME:** 5:30 p.m. to 7:00 p.m.      **LOCATION:** Virtual (see link below)

**LINK:** <https://longbeach-gov.zoom.us/j/91783276284>

Dial by your location  
+1 213 338 8477 US (Los Angeles)  
Meeting ID: 917 8327 6284

Join by Skype for Business  
<https://longbeach-gov.zoom.us/skype/91783276284>

**Send Comments on the Draft EIR to:**

**Email:** LBDS-EIR-Comments@longbeach.gov

**Mail:** City of Long Beach Development Services, Planning Bureau  
Attention: Jennifer Ly  
411 West Ocean Boulevard, Third Floor  
Long Beach, CA 90802

## PUBLIC SCOPING COMMENTS

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**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7- OFFICE OF REGIONAL PLANNING  
100 S. MAIN STREET, SUITE 100  
LOS ANGELES, CA 90012  
PHONE (213) 266-3574  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov

September 23, 2021

City of Long Beach Development Services, Planning Bureau  
Attention: Jennifer Ly  
411 West Ocean Boulevard, Third Floor  
Long Beach, CA 90802

RE: Long Beach Climate Action and Adaptation  
Plan and Safety Element Update – Notice of  
Preparation (NOP)  
SCH# 2021080394  
GTS# 07-LA-2021-03692  
Vic. LA-Multiple

Dear Jennifer Ly,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project is the adoption of a Climate Action and Adaptation Plan (CAAP) and associated minor amendments to the General Plan Safety Element to recognize climate impacts and incorporate climate adaptation and resiliency strategies. The proposed CAAP is a comprehensive planning document outlining the City's proposed approach both to address climate impacts on Long Beach and to reduce Long Beach's impact on the climate by reducing future GHG emissions. The proposed CAAP provides a framework to reduce the City's GHG footprint (climate action) and ensure the community and physical assets are better protected from the impacts of climate change (climate adaptation). The vision of the proposed CAAP is to create a more sustainable, resilient, and equitable city by addressing climate change in a way that remedies existing environmental health disparities while also improving health, quality of life, and enhancing economic vitality throughout Long Beach.

After reviewing the NOP, Caltrans has the following comments:

Caltrans supports the City of Long Beach's efforts to reduce GHG emissions as per SB 32, SB 743, SB 375, SB 379 and various Executive orders. As an environmentally conscious agency, Caltrans strives to work with partner agencies in order to reduce GHG emissions and adapt to the impacts of climate change on the state highway system. For additional information regarding Caltrans' policies, plans, guidance and strategies related to climate change impacts please refer to documents such as, but not limited to, Caltrans Climate Change Vulnerability Assessment, Caltrans Climate Change Adaptation Priorities Report, Caltrans Climate Change Adaptation Strategies Report, Caltrans Climate Change Communication Guide, and Caltrans GHG Emissions Mitigation Report.

These documents and other resources can be found at:

<https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/climate-change>

Several other agencies have also produced climate change adaptation guidance documents that may be helpful while developing the City of Long Beach's Climate Action and Adaptation Plan and Safety Element Update. These documents include, but are not limited to, California's 4th Climate Change Assessment – Los Angeles Region Report, SCAG's Southern California Climate Adaptation Framework, and CalSTA's Climate Action Plan for Transportation Infrastructure (CAPTI).

Caltrans looks forward to the forthcoming Draft Environmental Impact Report to review the proposed policies, plans and projects contained in the CAAP and updated General Plan Safety Element.

If you have any questions, please contact project coordinator Anthony Higgins, at [anthony.higgins@dot.ca.gov](mailto:anthony.higgins@dot.ca.gov) and refer to GTS# 07-LA-2021-03692.

Sincerely,

*Anthony Higgins for*

Miya Edmonson  
IGR/CEQA Branch Chief

cc: State Clearinghouse



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 23, 2021

Jennifer Ly  
City of Long Beach  
411 W. Ocean Blvd. 3<sup>rd</sup> Floor  
Long Beach, CA 90802  
[Jennifer.Ly@longbeach.gov](mailto:Jennifer.Ly@longbeach.gov)

**Subject: Notice of Preparation of an Environmental Impact Report for the Climate Action and Adaptation Plan and Safety Element Update, SCH #2021080394, City of Long Beach, Los Angeles County**

Dear Ms. Ly:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) from the City of Long Beach (City; Lead Agency) for the Climate Action and Adaptation Plan and Safety Element Update (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

*Conserving California's Wildlife Since 1870*

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## Project Description and Summary

**Objective:** The City's Climate Action and Adaption Plan (CAAP) and Safety Element Update will be an amendment to the General Plan. This general plan amendment aims to recognize climate impacts and incorporate climate adaption and resiliency strategies for the City of Long Beach. The proposed CAAP is a comprehensive planning document that outlines the City's approach towards climate impacts and reduction of the City's greenhouse gas (GHG) emissions.

The proposed CAAP will reduce the GHG footprint and protect from climate change impacts through the implementation of new policies, programs, incentives, requirements, and initiatives. The CAAP focuses on four climate change impacts: extreme heat, sea level rise and flooding, air quality, and drought. There are 29 climate adaptation actions the City intends to implement in an effort to reduce the City's vulnerability to climate change impacts. Some climate adaption actions include: planting of native beach vegetation, exploring opportunities for tree planting in sub-watershed areas, and planting of California native trees to enhance and expand urban forest cover and vegetation.

In regard to GHG emissions, the City plans to reduce GHG emissions 40 percent by 2030 and achieve net zero emissions by 2045. The CAAP focuses on three sectors: building and energy, transportation, and waste. There are 21 actions in relation to the three sectors that will enable the City to achieve their targets. The proposed updates to the Safety Element will ensure compliance with State laws to allow for the incorporation of climate adaption and resilience strategies.

**Location:** The Project will encompass the City of Long Beach, approximately 50 square miles, that is located along the southern coast of the County of Los Angeles. The Project will exclude the City of Signal Hill which is surrounded by the City of Long Beach. The City is bounded by the City of Los Angeles to the west; the City of Lakewood to the north; the City of Los Alamitos to the east; and the Pacific Ocean to the south.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

### Specific Comments

- 1) Sensitive Habitats and Open Space. Sensitive habitats/open space in the Project area is present in the form of parks and reserves, including, but not limited to, El Dorado Regional Park, Wrigley Heights Dog Park, Ramona Park, Heartwell Park, Wardlow Park, and Mothers Beach.
  - a) CDFW recommends the City analyze and discuss the Project's direct impacts on sensitive habitats/open space within the Project area. The Project could result in loss of sensitive habitats/open space due to introduction of non-native, invasive plants facilitated by the Project (collectively, indirect impacts). The EIR should disclose the acreage of sensitive habitats and open space that would be lost as a result of the

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proposed Project, including all areas subject to fuel modifications and grading to accommodate development. CDFW also recommends the City analyze and discuss the Project's potential impacts on conserved lands adjacent to the Project area.

- b) CDFW recommends the Project avoid developing and encroaching onto sensitive habitats/open space. Encroachment onto sensitive habitats/open space creates an abrupt transition between two different land uses. Encroachment onto sensitive habitats/open space could affect environmental and biological conditions and increase the magnitude of edge effects on biological resources. CDFW recommends the EIR provide alternatives to the Project that would not result in conversion of sensitive habitats/open space into developed areas. CDFW also recommends the EIR provide alternatives that would not encroach onto sensitive habitats/open space, particularly conservation easements. Pursuant to CEQA Guidelines section 15126.6, an EIR "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasible attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives." Furthermore, an EIR "shall include sufficient information about alternatives to allow meaningful evaluation, analysis, and comparison with the proposed project" (CEQA Guidelines, § 15126.6) (see General Comment #6).
  - c) If avoidance is not feasible, CDFW recommends the EIR provide measures to mitigate for impacts to sensitive habitats/open space. There should be no net loss of sensitive habitats/open space. CDFW recommends the EIR provide measures where any future development facilitated by the Project mitigates (avoids first if feasible) for project-level impacts on sensitive habitats/open space not previously identified in the EIR. CDFW recommends the EIR provide a measure where any future development facilitated by the Project establishes unobstructed vegetated buffers and setbacks. The EIR should provide standards for an effective buffer and setback; however, the buffer and setback distance should be increased at a project-level as needed. The EIR should provide justifications for the effectiveness of all proposed mitigation measures. The EIR should provide sufficient information and disclosure to facilitate meaningful public review, analysis, and comment on the adequacy of proposed mitigation measures to offset Project-related impacts on sensitive habitats/open space.
- 2) Monarch Butterfly. According to Xerces Society Western Monarch Count, there are several overwintering sites for the monarch butterfly (*Danaus plexippus*) within the Project area. Overwintering sites were located at Livingston Park, El Dorado Regional Park and the Recreation Park adjacent to Colorado Lagoon (Xerces 2021). Furthermore, the California Natural Diversity Database (CNDDDB) also supports the presence of monarch butterfly within the Project area (CDFW 2021a). The western monarch butterfly (*Danaus plexippus plexippus*) relies on the California landscape for both breeding and overwintering habitat. The monarch butterfly occurs globally, however the subspecies that inhabits North America, western monarch butterfly, is imperiled (CDFW 2021). Western monarchs overwintering in coastal California have declined 74 percent since the late 1990s, from more than 1.2 million to less than 200,000 individuals. A recent population viability analysis of long-term California overwintering count data estimated a decline of more than 95 percent since the 1980s (Western Monarch Working Group 2019).

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- a) CDFW recommends the City assess the Project site for western monarch butterfly breeding and overwintering habitat. A habitat assessment should be performed by a qualified biologist knowledge and experience surveying for monarch butterfly. If suitable habitat is present, the qualified biologist should perform a species-specific survey at the appropriate time of year to determine presence/absence.
- 3) Jurisdictional Waters. According to U.S. Fish and Wildlife Service's (USFWS) [National Wetland Inventory](#), the Los Angeles River runs along the western boundary, and the San Gabriel River runs along the eastern boundary of the Project area (USFWS 2021).
- a) CDFW recommends the City identify and delineate all streams within the Project area and provide a discussion of the Project's potential impacts on streams. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss whether impacts on streams within the Project area would impact those streams immediately outside of the Project area where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed.
  - b) CDFW recommends the Project avoid impacting streams and associated vegetation. Herbaceous vegetation, woody vegetation, and woodlands adjacent to streams serve to protect the integrity of these resources and help maintain natural sedimentation processes. Where development may occur near a stream but may avoid impacts, the EIR should provide a justification as to why the chosen setback distance of the proposed development(s) would be effective to avoid impacts on streams and associated vegetation. Furthermore, CDFW recommends the EIR provide minimum standards for effective unobstructed vegetated buffers and setbacks adjoining streams and associated vegetation for all development facilitated by the Project. The buffer and setback distance should be increased at a project-level as needed. The EIR should provide justification for the effectiveness of chosen buffer and setback distances.
  - c) If avoidance is not feasible, the EIR should include measures where future development facilitated by the Project provides the following:
    - A stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification;
    - A Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.* if applicable. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project applicant (or "entity") must notify CDFW. CDFW's issuance of a LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible

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Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2021b); and,

- As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project area. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the project-level CEQA document discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 4) Landscaping. The Project has several adaptation actions that describe tree planting, expanding the urban forest cover and vegetation, green infrastructure, and planting of native beach vegetation. CDFW recommends the DEIR provide the Project's landscaping plant palette and replacement tree species list. CDFW recommends the City use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2020). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.
  - 5) Pest Management. The Project proposes the opportunity for tree planting to enhance and expand urban forest cover and vegetation as means of reducing urban heat island conditions. This Project activity may have the potential to spread tree pests and diseases through the Project area and into adjacent natural habitat not currently exposed to these stressors. This could result in expediting the loss of native trees and woodlands. As such, CDFW recommends the EIR include an infectious tree disease management plan or provide mitigation measures. The management plan or mitigation measures should be developed in consultation with an arborist and describe how the City will avoid or reduce the spread of tree insect pests and diseases.
  - 6) Los Angeles County Significant Ecological Areas (SEAs). Alamitos Bay is located within the Project area and is considered a significant ecological area. [Los Angeles County Significant Ecological Areas](#) are officially designated areas within Los Angeles County identified as having irreplaceable biological resources (LACDRP 2019). These areas represent the wide-ranging biodiversity of Los Angeles County and contain some of Los Angeles County's most important biological resources. Therefore, CDFW recommends the EIR provide a discussion of Project impacts on the Alamitos Bay SEA.

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- 7) Nesting Birds. The Project may impact nesting birds and raptors as a result of enhancement of coastal dunes, expansion and enhancement of urban forest cover, and elevating riverine levees. Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
- a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
  - b) CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. CDFW recommends the EIR include a measure where future development facilitated by the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
  - c) If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the EIR include measures where future development facilitated by the Project mitigates for impacts. CDFW recommends surveys by a qualified biologist with experience conducting breeding bird and raptor surveys. Surveys are needed to detect protected native birds and raptors occurring in suitable nesting habitat that may be disturbed and any other such habitat within 300 feet of the Project disturbance area, to the extent allowable and accessible. For raptors, this radius should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 8) Bats. Numerous bat species are known to roost in trees and structures throughout Los Angeles County (Remington and Cooper 2017). In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts. According to the California Natural Diversity Database (CNDDDB), the presence of silver haired bat (*Lasionycteris noctivagans*) and big free tailed bat (*Nyctinomops macrotis*) have been documented within the Project area (CDFW 2021d).
- a) Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Additionally, some bats are SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
  - b) CDFW recommends the EIR discuss whether the Project could impact bats. Project construction and activities, including (but not limited to) ground disturbance, vegetation

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removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts. Accordingly, CDFW recommends the EIR provide measures where future development facilitated by the Project avoids potential impacts on bats. CDFW recommends the EIR provide measures where future development facilitated by the Project provides surveys for bats and roosts. The project-level environmental document should disclose and discuss potential impacts on bats/roosts. If necessary, to reduce impacts to less than significant, the project-level environmental document should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

### **General Comments**

- 1) **Disclosure**. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) **Mitigation Measures**. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
  - a) **Level of Detail**. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends that the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
  - b) **Disclosure of Impacts**. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about a project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) **Biological Baseline Assessment**. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and

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adjacent to a project site and where a project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to California Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2021c);
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where project activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a project. CDFW's [California Natural Diversity Database](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2021d). An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those

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which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2021e). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and,

- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 4) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021f). The City should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
  - 5) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:
    - a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;
    - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
    - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
    - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project sites. The discussion should also address the potential water extraction activities

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and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;

- e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and,
  - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas; access routes to the construction and staging areas; fuel modification footprint; and grading footprint;
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project." CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,
  - c) A range of feasible alternatives to the Project location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the City consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The EIR "shall" include sufficient information about each

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alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow; watercourse and meander; and water-dependent ecosystems and vegetation communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.
- 7) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- 8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 9) Compensatory Mitigation. The EIR should include mitigation measures for adverse project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management

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and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

- 10) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## Conclusion

We appreciate the opportunity to comment on the NOP for the Climate Action and Adaptation Plan and Safety Element Update to assist the City of Long Beach in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:

*Erinn Wilson-Olgin*

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Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, San Diego – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
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State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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September 22, 2021

Ref. DOC 6289322

Ms. Jennifer Ly  
City of Long Beach Development Services, Planning Bureau  
411 West Ocean Boulevard, Third Floor  
Long Beach, CA 90802

Dear Ms. Ly:

**NOP Response to Climate Action and Adaptation Plan (CAAP) and Safety Element Update**

The Los Angeles County Sanitation Districts (Districts) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the subject project on August 20, 2021. The City of Long Beach (City) is located within the jurisdictional boundaries of Districts Nos. 1, 2, 3, 8, and 19. We offer the following comments:

1. The Districts own, operate, and maintain the large trunk sewers that form the backbone of the regional wastewater conveyance system. The wastewater generated by the City will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 million gallons per day (mgd) and currently processes an average flow of 259.7 mgd, or the Long Beach Water Reclamation Plant, which has a capacity of 25.0 mgd and currently processes an average flow of 11.9 mgd.
2. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG.

We appreciate the opportunity to provide comments. The Districts requests notification of any additional documents related to the subject project. If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743 or at [mandyhuffman@lacsd.org](mailto:mandyhuffman@lacsd.org).

Very truly yours,

*Mandy Huffman*

Mandy Huffman  
Environmental Planner  
Facilities Planning Department

MH:mh



September 24, 2021

Ms. Jennifer Ly  
City of Long Beach Development Services, Planning Bureau  
411 West Ocean Boulevard, Third Floor  
Long Beach, California 90802  
E-mail: [LBDS-EIR-Comments@longbeach.gov](mailto:LBDS-EIR-Comments@longbeach.gov)

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Long Beach Climate Action and Adaption Plan and Safety Element Update [SCAG NO. IGR10468]**

Dear Ms. Ly,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Long Beach Climate Action and Adaption Plan and Safety Element Update (“proposed project”) to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG’s adopted regional plans, to be determined by the lead agencies.<sup>1</sup>

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG’s feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is also the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Long Beach Climate Action and Adaption Plan and Safety Element Update in Los Angeles County. The proposed Climate Action and Adaptation Plan and General Plan Safety Element Update outlines the City’s proposed approach to address climate impacts on Long Beach and to reduce Long Beach’s impact on the climate by reducing future greenhouse gas emissions.

**When available, please email environmental documentation to [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov) providing, at a minimum, the full public comment period for review.**

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Anita Au, Senior Regional Planner, at (213) 236-1874 or [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov). Thank you.

Sincerely,

Frank Wen, Ph.D.  
Manager, Planning Strategy Department

<sup>1</sup> Lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

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**COMMENTS ON THE NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
LONG BEACH CLIMATE ACTION AND ADAPTION PLAN AND SAFETY ELEMENT UPDATE [SCAG NO. IGR10468]**

**CONSISTENCY WITH CONNECT SOCIAL**

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with Connect SoCal.

**CONNECT SOCIAL GOALS**

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

| SCAG CONNECT SOCIAL GOALS |                                                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------------|
| Goal #1:                  | <i>Encourage regional economic prosperity and global competitiveness</i>                                             |
| Goal #2:                  | <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>                           |
| Goal #3:                  | <i>Enhance the preservation, security, and resilience of the regional transportation system</i>                      |
| Goal #4:                  | <i>Increase person and goods movement and travel choices within the transportation system</i>                        |
| Goal #5:                  | <i>Reduce greenhouse gas emissions and improve air quality</i>                                                       |
| Goal #6:                  | <i>Support healthy and equitable communities</i>                                                                     |
| Goal #7:                  | <i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i> |
| Goal #8:                  | <i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>       |
| Goal #9:                  | <i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i> |
| Goal #10:                 | <i>Promote conservation of natural and agricultural lands and restoration of habitats</i>                            |

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

| SCAG CONNECT SOCIAL GOALS                                                                           |                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal                                                                                                | Analysis                                                                                                                                                        |
| Goal #1: <i>Encourage regional economic prosperity and global competitiveness</i>                   | <i>Consistent: Statement as to why;<br/>Not-Consistent: Statement as to why;<br/>Or<br/>Not Applicable: Statement as to why;<br/>DEIR page number reference</i> |
| Goal #2: <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i> | <i>Consistent: Statement as to why;<br/>Not-Consistent: Statement as to why;<br/>Or<br/>Not Applicable: Statement as to why;<br/>DEIR page number reference</i> |
| etc.                                                                                                | etc.                                                                                                                                                            |

### Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

SCAG staff would like to call your attention to resources available from SCAG’s [Regional Climate Adaptation Framework](#) including the [Southern California Climate Adaptation Planning Guide](#), [Communication and Outreach Toolkit](#), [Library of Model Policies](#), and [SB 379 Compliance Curriculum for Local Jurisdictions](#).

### DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG’s 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance

with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

|            | Adopted SCAG Region Wide Forecasts |            |            |            | Adopted City of Long Beach Forecasts |           |           |           |
|------------|------------------------------------|------------|------------|------------|--------------------------------------|-----------|-----------|-----------|
|            | Year 2020                          | Year 2030  | Year 2035  | Year 2045  | Year 2020                            | Year 2030 | Year 2035 | Year 2045 |
| Population | 19,517,731                         | 20,821,171 | 21,443,006 | 22,503,899 | 473,443                              | 479,917   | 483,157   | 489,627   |
| Households | 6,333,458                          | 6,902,821  | 7,170,110  | 7,633,451  | 172,680                              | 182,872   | 187,961   | 198,151   |
| Employment | 8,695,427                          | 9,303,627  | 9,566,384  | 10,048,822 | 159,971                              | 170,160   | 175,248   | 185,433   |

**MITIGATION MEASURES**

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

**ENVIRONMENTAL JUSTICE**

Per [Senate Bill 1000](#) (SB 1000), local jurisdictions in California with disadvantaged communities are required to develop an Environmental Justice (EJ) Element or consider EJ goals, policies, and objectives in their General Plans when updating two or more General Plan Elements. The City of Long Beach has disadvantaged communities so SCAG staff recommends that you review the [Environmental Justice Technical Report](#) and the updated [Environmental Justice Toolbox](#), which is a resource document to assist local jurisdictions in developing EJ-related goals and policies regarding solutions for EJ-related community issues, and consider EJ in future General Plan and other Element updates.



## NATIVE AMERICAN HERITAGE COMMISSION

August 23, 2021

Jennifer Ly  
City of Long Beach  
411 West Ocean Boulevard, 3<sup>rd</sup> Floor  
Long Beach, CA 90802

**Re: 2021080394, Climate Action and Adaptation Plan and Safety Element Update Project, Los Angeles County**

Dear Mr. Contreras:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

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## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources 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, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process 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. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

