
4.16 TRIBAL CULTURAL RESOURCES

This section discusses the existing tribal cultural resources setting of the Project Site and assesses the Project's potential impacts on tribal cultural resources. Information in this section is based on the *Phase I Archaeological Cultural Resources Study for the Self Storage/RV Parking at 3701 North Pacific Place in Long Beach, Los Angeles, California (LSA Project No. ISP2002)* completed by LSA on April 2, 2020 (Appendix E-2), an SCCIC literature review and records search conducted by Psomas in 2023 (Appendix E-1), the 2020 and 2023 government to government consultation between local tribal representatives and the City of Long Beach as required by Assembly Bill 52 (AB 52), the 2020 Fully Executed Tribal monitoring Agreement between Artesia and Kizh Nation, and the 2024 Kizh Nation Resources Management Confirmation of Prior Tribal Monitoring.

4.16.1 SUMMARY OF PREVIOUS ENVIRONMENTAL DOCUMENTATION

MND for the Pacific Place Project

The Tribal Cultural Resources (TCR) analysis for the MND for the Prior Project determined that implementation of the Prior Project would have less than significant impacts with mitigation incorporated related to tribal cultural resources.

According to the MND, impacts to historical resources, archaeological resources, and human remains would be less than significant. Based on a SCCIC record search and the results from the NAHC Sacred Lands File (SLF) database search there were no TCRs on the previously analyzed Project Site that were currently listed on the CRHR. The Site was not listed as a historic resource (i.e., cultural landscape) in the CRHR, the NRHP, California Historical Landmarks, or California Points of Historical Interests lists. Additionally, the Project Site was not included in a Local Register of Historical Resources; on a map of Historical Resources; or on a map of Historic Districts.

Based on information available through the record searches at the SCCIC and the NAHC, and the long-term past use of the previously analyzed Project Site, there was no information available that indicates there were significant TCRs documented within the Project Site.

On April 6, 2020, the City sent letters to tribal representatives disclosing the Prior Project and offering consultation; those contacted included the Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino-Tongva Tribe Juaneño Band of Mission Indians Acjachemen Nation – Belardes, and Juaneño Band of Mission Indians Acjachemen Nation – Belardes. On April 14, 2020, the Gabrieleño Band of Mission Indians—Kizh Nation requested consultation with the City regarding the Project. Consultation was conducted via phone on June 19, 2020, with Matthew Teutimez on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation. Based on consultation between the City of Long Beach and the tribal representative, no TCRs were identified on the Project Site; however, excavation and grading at the Project Site may disturb native sediments and, therefore, could have the potential to impact unidentified tribal cultural resources. In order to reduce the potential for impacts to unidentified TCRs, the MND identified Mitigation Measures **TRIB CUL-1** through **TRIB CUL-5**, which would reduce potential impacts to less than significant levels.

MND Mitigation Measures

- TRIB CUL-1** The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the Project Site and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the Project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the Project shall provide the Native American monitor. The monitor/consultant will only be present onsite during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project Site. 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 onsite monitoring shall end when the project Site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
- TRIB CUL-2** Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians—Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If 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.
- TRIB CUL-3** 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. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

TRIB CUL-4 Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.

TRIB CUL-5 Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

- If the Gabrieleno Band of Mission Indians—Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.
- Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely

recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

- 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.

4.16.2 ENVIRONMENTAL SETTING

See Section 4.4. Cultural Resources for a discussion detailing the existing conditions of the Project Site.

A. Regulatory Framework

State of California

Tribal Cultural Resources/Assembly Bill 52

In September 2014, Governor Brown signed AB 52 (Chapter 532, Statutes of 2014), which creates a new category of environmental resources that must be considered under CEQA: “tribal cultural resources.” The legislation imposes new requirements for offering to consult with California Native American tribes regarding projects that may affect a tribal cultural resource, emphasizes a broad definition of what may be considered a TCR, and includes a list of recommended mitigation measures (MMs).

Recognizing that tribes may have expertise regarding their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. MMs agreed upon during consultation must be recommended for inclusion in the environmental document.

AB 52, which became effective on July 1, 2015, requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project, if they have requested such notice in writing. Once Native American tribes receive a project notification, they have 30 days to respond and identify if they wish to initiate consultation regarding the project

on subjects such as mitigation for any potential project impacts to tribal cultural resources. A tribal cultural resource is defined as either a site, feature, place, or cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is eligible for the CRHR or a local historic register. If a tribe requests consultation and the lead agency and the tribe ultimately agree on mitigation to address any potentially significant impacts to tribal cultural resources, the mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document.

Senate Bill 18

SB 18 (Government Code Section 65352.3) incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and other public agencies by requiring local governments to contact, refer plans to and consult with California Native American tribes identified by the NAHC for the purpose of protecting and/or mitigation impacts to cultural places as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 stipulates that, "Prior to the adoption or any amendment of a general or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purposes of preserving, or mitigating, impacts to cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment..." (OPR 2017b). SB 18 requires public notice to be sent to tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

Native American Historic Resource Protection Act

Established in 2002, the Native American Historic Resource Protection Act, establishes a misdemeanor for unlawfully and maliciously excavating upon, removing, destroying, injuring, or defacing a Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the CRHR. The focus of this legislation was to provide additional legal protection for Native American historical and cultural sites, art, and other cultural artifacts found at those sites. The Act also encourages collaborative relationships for the protection of Native American cultural resources between Native Americans and landowners. Funding and other state assistance should be encouraged for support of voluntary agreements to conserve, maintain, and provide physical access for Native Americans to these cultural resources.

California Health and Safety Code (Sections 7050.5, 7051, and 7054)

These sections of the California Health and Safety Code collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the [California Public Resources Code]). These sections also address the disposition of Native American burials found in archaeological sites and protect such remains from disturbance, vandalism, or inadvertent destruction. Procedures to be implemented are established for (1) the discovery of Native American skeletal remains during construction of a project; (2) the treatment of the remains prior to, during, and after evaluation; and (3) reburial.

Section 7050.5 of the *California Health and Safety Code* specifically provides for the disposition of accidentally discovered human remains. Section 7050.5 states that if human remains are

found, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined whether the human remains are likely of Native American origin, and, if so, the most likely descendant is given the opportunity to suggest appropriate treatment and disposition of the human remains pursuant to California Public Resources Code Section 5097.98, discussed below.

California Public Resources Code (Section 5097.98)

Section 5097.98 of the Public Resources Code states that, if remains are determined by the coroner to be of Native American origin, the Coroner must notify the NAHC within 24 hours. When the NAHC receives this notification from a County Coroner, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land or his or her authorized representative, inspect the site of the remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. This regulation also requires that, upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations and all reasonable options regarding their preferences for treatment. This section of the Public Resources Code has been incorporated into Section 15064.5(e) of the State CEQA Guidelines.

4.16.3 PROJECT IMPACTS

A. Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, a project would result in a significant biological resources impact if it would:

Threshold 4.16a *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

Threshold 4.16b *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead*

agency shall consider the significance of the resource to a California Native American tribe?

B. Methodology

Phase I Cultural Resources Study (LSA)

2020 South Central Coastal Information Center Literature Review and Records Search

A literature review and records search for the Project Site and a 0.5-mile radius was conducted on March 13, 2020, by SCCIC staff of the California Historical Resources Information System (CHRIS) at California State University, Fullerton. The SCCIC, an affiliate of the OHP, is the official repository of cultural resources records and reports for Los Angeles County. Background research also included a review of the following State and Federal inventories:

- Directory of Properties in the Historic Property Data File (OHP 2012). The directory includes the listings of the NRHP (National Register), National Historic Landmarks, the CRHR (CRHR), California Historical Landmarks, and California Points of Historical Interest;
- California Historical Landmarks (OHP 1996);
- California Points of Historical Interest (OHP 1992);
- Five Views: An Ethnic Historic Site Survey for California (OHP 1988); and
- California Inventory of Historic Resources (OHP 1976).

Aerial Photographs and Historic Maps

Additional background research included a review of historic-period United States Geological Survey (USGS) maps and aerial photographs to assess the potential for subsurface historic-period archaeological deposits at the Project Site.

Native American Heritage Commission

The NAHC maintains the SLF database and is the official State repository of Native American sacred-site location records in California. On February 28, 2020, LSA submitted a request to the NAHC to request a review of the SLF for the presence of Native American cultural resources that might be impacted by the Prior Project (LSA 2020).

Cultural Resources Field Survey

On March 27, 2020, LSA Archaeologist Ivan Strudwick, M.A., RPA, conducted a pedestrian field survey of the Project Site. In accordance with the Secretary of the Interior's (SOI) standards for archaeology, Mr. Strudwick surveyed the entire Project Site by walking transects spaced 7 to 10 meters apart. A trowel was used to periodically shift surficial soils to examine subsurface sediments. Rodent burrowing holes and back dirt piles were examined for indications of archaeological deposits and/or human remains. The results from the LSA 2020 pedestrian field survey were negative for cultural resources (LSA 2020).

Updated Literature Review and Records Search (Psomas)

2023 South Central Coastal Information Center Literature Review and Records Search

An updated literature review and records search was conducted for the Project Site by Psomas on September 11, 2023.

Tribal Cultural Resource Consultation (City)

Tribal Cultural Resource (TCR) consultations were conducted as part of the government-to-government consultations between the City and tribal governments requesting to consult on the Project as required by Assembly Bill (AB) 52 and SB 18. The City sent letters to tribal representatives disclosing the Prior Project and the Project on April 6, 2020 and July 28, 2023, respectively.

Those contacted on April 6, 2020 include the Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino- Tongva Tribe, and Juaneño Band of Mission Indians Acjachemen Nation – Belardes. On April 14, 2020, the Gabrieleño Band of Mission Indians—Kizh Nation requested consultation with the City regarding the Project. Consultation was conducted via phone on June 19, 2020, with Matthew Teutimez on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation. Based on consultation between the City of Long Beach and the tribal representative, no TCRs were identified on the Project Site; however, it was stated that excavation and grading at the Project Site has the potential to disturb native sediments and, therefore, could have the potential to impact unidentified tribal cultural resources. Based on consultation, mitigation measures were developed as stated in Section 4.16.1, Summary of Previous Environmental Documentation, and restated below as **MM TRIB CUL-1** through **MM TRIB CUL-5**.

Those contacted on July 28, 2023 include the Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino- Tongva Tribe, Juaneño Band of Mission Indians Acjachemen Nation – Belardes, Juaneño Band of Mission Indians Acjachemen Nation 84A, Santa Rosa Band of Cahuilla Indians, and Soboba Band of Luiseno Indians. On August 3, 2023, the Gabrielino Tongva Indians of California Tribal Council identified the Project Site as being located within an area known for tribal cultural resources and requested that the Gabrielino Tongva Indians of California Tribal Council be present for Native American monitoring for all ground disturbing activities. On April 15, 2024, Christina Conley from the Gabrielino Tongva Indians of California Tribal Council sent preferred Mitigation Measures to the City to be incorporated into the Mitigation Monitoring and Reporting Program, detailed below in Section 4.16.5, Mitigation Program as **MM TRIB CUL-6** through **MM TRIB CUL-11**.

C. Standard Requirements

No standard requirements would apply to this Project related to Tribal Cultural Resources.

D. Impact Analysis

Threshold 4.16a ***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California***

Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

For purposes of impact analysis, a tribal cultural resource is considered a site, feature, place, cultural landscape, sacred place, or object which is of cultural value to a California Native American Tribe and is either eligible for the CRHR or a local register.

Based on the SCCIC literature review and records searches from 2020 and 2023, prior tribal consultation with the Gabrielino Band of Mission Indians – Kizh Nation (2020), and consultation with Gabrielino Tongva Indians of California Tribal Council (2023), there are no cultural resources, including TCRs within the Project site listed in the CRHR, the NRHP, California Historical Landmarks, or California Points of Historical Interest lists. Additionally, there are no cultural resources within the Project Site included in a Local Register of Historical Resources; on a map of Historical Resources; or on a map of Historic Districts. There are three built environment cultural resources located within ½-mile of the Project Site. These resources include P-19-179268 (Jennie A Reeve House), P-19-187942 (Bridge #53C0458), and P-19-189450 (Killingsworth, Brady & Smith). However, none of the three resources are considered TCRs and none of these resources are located within the Project Site, and due to the Project Site's isolation between the LA River, I-405 Freeway, and Metro tracks and its distance from these resources, the Project would not impact these buildings or structure. Historic plat maps for the area were also reviewed to determine the potential for historic archaeological sites to underlie the Project Site. A review of the 1896 and 1942 maps indicated that, although the Project Site itself was undeveloped it was located in a developed portion of the City during those time periods; there is no indication of historic structures or features at the location of the Project Site. The review of archival material about the history of the built-environment resources did not identify any historic structures or potential historic structures within the Project Site (LSA 2020 and SCCIC 2023).

Additionally, based on the results from the NAHC SLF database there are no resources on the Project site that are currently listed on the CRHR as sacred to the local Native American community. The Project Site is not listed as a historic resource in the CRHR, the NRHP, California Historical Landmarks, or California Points of Historical Interests lists. Additionally, the Project Site is not included in a Local Register of Historical Resources; on a map of Historical Resources; or on a map of Historic Districts. Therefore, the Project would have a less than significant impact on a TCR that is listed or eligible for listing on the CRHR or a local register.

Therefore, the Project would not result in a significant adverse impact to any identified or eligible historical resources, including TCRs, and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Level of Significance After Mitigation

Historical Resources: A less than significant impact would occur and therefore no mitigation is required.

Impact Comparison Summary: The Project would have a less than significant impact pursuant to this threshold. The Project would result in similar impacts when compared

with the impact analysis in the previously prepared MND, which identified a less than significant impact with mitigation incorporated related to this threshold.¹

Threshold 4.16b *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

The second component of this analysis is if the proposed Project would impact a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a Native American tribe. Subdivision (c) states:

A resource may be listed as an historical resource in the California Register if it meets any of the following CRHR criteria:

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

Based on information available through the record searches at the SCCIC (March 13, 2020 and September 11, 2023 and the NAHC, the 2020 pedestrian field survey conducted by LSA, the long-term past use of the Project Site, and the oversight by Tribal Monitors during the Surcharge Activities (discussed below), there is no information available that indicates there are significant tribal resources within the Project Site that would be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 (SCCIC 2020, SCCIC 2023, LSA 2020). However, excavation and grading at the Project Site may disturb native sediments and, therefore, could have the potential to impact unidentified tribal cultural resources.

The City sent letters to tribal representatives disclosing the Prior Project and the Project on April 6, 2020 and July 28, 2023, respectively.

As discussed previously in Section 4.16.3A, Methodology, those contacted on April 6, 2020 include the Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino- Tongva Tribe, and Juaneño Band of Mission Indians Acjachemen Nation –

¹ Impacts were inadvertently identified as less than significant with mitigation incorporated in the MND, however no mitigation was required or identified pursuant to this threshold to achieve a less than significant impact finding.

Belardes. On April 14, 2020, the Gabrieleño Band of Mission Indians—Kizh Nation requested consultation with the City regarding the Project. Consultation was conducted via phone on June 19, 2020, with Matthew Teutimez on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation. Based on consultation between the City of Long Beach and the tribal representative, no TCRs were identified on the Project Site; however, excavation and grading at the Project Site has the potential to disturb native sediments and, therefore, could have the potential to impact unidentified tribal cultural resources.

Those contacted on July 28, 2023 include the Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino- Tongva Tribe, Juaneño Band of Mission Indians Acjachemen Nation – Belardes, Juaneño Band of Mission Indians Acjachemen Nation 84A, Santa Rosa Band of Cahuilla Indians, and Soboba Band of Luiseno Indians.

Mitigation Measures

TRIB CUL-1 through TRIB CUL-5 are as requested by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government.

TRIB CUL-1 The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the Project Site and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the Project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the Project shall provide the Native American monitor. The monitor/consultant will only be present onsite during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project Site. 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 onsite monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

TRIB CUL-2 Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians—Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If 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.

TRIB CUL-3 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. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

TRIB CUL-4 Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.

TRIB CUL-5 Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

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

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

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

- 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.

TRIB CUL-6 through TRIB CUL-11 are as requested by the Gabrielino Tongva Indians of California Tribal Council.

TRIB CUL-6 The Project shall engage a qualified and certified indigenous tribal member of the Gabrielino Tongva Indians of California Tribal Council and a direct lineal descendant of the Project Site (Native American Graves Protection and Repatriation Act (NAGPRA) section 10.14) to provide professional Native American Monitoring for all ground disturbing activity that is part of the Project. Ground disturbing activity includes of asphalt/cement/slurry, trenching, boring, excavation, auguring, grubbing, tree removal, grading, and drilling. The tribal monitor will only be required on-site when these ground disturbing activities occur.

- TRIB CUL-7** The Gabrielino Tongva Indians of California Tribal Council tribal monitor will observe all mechanical and hand labor excavation, including paddle scrapers, blade machines, front-end loaders, backhoes, boring and drill operations, and hydraulic and electric chisels. Monitoring also includes associated work using tools such as picks and other non-electric or gasoline tools not considered mechanical.
- TRIB CUL-8** Soils removed from the Project Site are considered culturally sensitive and are subject to inspection. Whether placed in a dump truck or spoil piles, these soils will be inspected. The tribal monitor will temporarily hold excavation until a determination is made on the soil's sensitivity. If the soils are sensitive, an archaeological monitor will verify the find and notify the site supervisor.
- TRIB CUL-9** The tribal monitor and archaeologist shall redirect construction activities 50 feet from any archaeological, paleontological, or cultural deposits discovered (including but not limited to artifacts of traditional cultural, religious, spiritual, or any other artifacts relating to the use of habitation sites). However, if grave-related artifacts are discovered, the site is treated as a cemetery, and the California State University (CSU) or University of California (UC) institution, which has repositories related to the findings, will be contacted.
- TRIB CUL-10** Archaeological and Gabrielino Tongva Indians of California Tribal Council monitors will collaborate to determine the significance of the culturally sensitive find, guide ground disturbances to avoid, and direct an alternative route from this area.
- TRIB CUL-11** Cultural resources within the Project Site that are not associated with burials are subject to data collection by the designated archaeologist for provenance and the creation of the NAHC site record. Data Collection will include GPS mapping and photography.

Level of Significance After Mitigation

Tribal Cultural Resources: In order to reduce the potential for impacts to unidentified tribal cultural resources, the Project would implement **MM TRIB CUL-1** through **MM TRIB CUL-11**, which would reduce potential impacts to less than significant levels. As detailed in Appendix E-2, Kizh Nation Resources Management Confirmation of Prior Tribal Monitoring, as required by the MND's mitigation measures **MM TRIB CUL-1** through **MM TRIB CUL-5**, a Tribal Monitor was present for all ground disturbing activities that occurred previously as part of the Surcharge Activities and no tribal artifacts or human remains were encountered. On August 3, 2023, the Gabrielino Tongva Indians of California Tribal Council identified the Project Site as being located within an area known for tribal cultural resources and requested that the Gabrielino Tongva Indians of California Tribal Council be present for Native American monitoring for all ground disturbing activities. On April 15, 2024, Christina Conley from the Gabrielino Tongva Indians of California Tribal Council sent preferred Mitigation Measures to the City to be incorporated into the Mitigation Monitoring and Reporting Program. As such, in addition to **MM TRIB CUL-1** through **MM TRIB CUL-5**, **MM TRIB CUL-6** through **MM TRIB CUL-11** would be implemented to reduce potential impacts to TCRs to less than significant levels. Therefore, with implementation of **MM TRIB CUL-1** through **MM TRIB CUL-11**, impacts related to unidentified TCRs would be reduced to a less than significant level.

Impact Comparison Summary: With implementation of **MM TRIB CUL-1** through **MM TRIB CUL-11**, impacts would be less than significant pursuant to this threshold. The Project would result in similar impacts when compared with the impact analysis in the

previously prepared MND, which identified a less than significant impact with mitigation pursuant to this threshold.

4.16.4 CUMULATIVE IMPACTS

Although tribal cultural resources are site-specific with regard to any given resource (e.g., resources of important cultural value to Native Americans), impacts may be considered cumulative simply because they relate to the loss of tribal cultural resources in general over time throughout the region. There are no tribal cultural resources listed or determined eligible for listing, on the national, State, or local register of historical resources on the Project Site. However, should buried resources be identified, ground disturbance within native sediment could lead to the accelerated degradation of previously unknown tribal cultural resources, resulting in a potentially significant cumulative impact.

Mitigation Measures

TRIB CUL-1 through TRIB CUL-5 are as requested by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government.

TRIB CUL-1 The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the Project Site and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the Project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the Project shall provide the Native American monitor. The monitor/consultant will only be present onsite during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project Site. 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 onsite monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

TRIB CUL-2 Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians—Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If 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.

TRIB CUL-3 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. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

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Level of Significance After Mitigation

Cumulative Impacts: As with the Project, testing and data recovery is standard practice in the City and is routinely required of projects prior to and during grading activities. The mitigation identified for tribal cultural resources monitoring, standard mitigation measures and adherence to State requirements would reduce the potential for cumulative impacts. As a result, with implementation of **MM TRIB CUL-1** through **MM TRIB CUL-11**, the Project would not have a cumulatively considerable contribution to a significant cumulative impact related to tribal cultural resources.

4.16.5 REFERENCES

California Health and Safety Code (HSC). 2023. 2023 California Code Health and Safety Code Sections 7050-7054

California Code of Regulations (CCR). 2024. Title 14 – Natural Resources, Division 6 – Resources Agency, Chapter 3 – Guidelines for Implementation of the California Environmental Quality Act [15000-15387]

LSA. 2020 (April 2). *Phase I Archaeological Cultural Resources Study for the Self-Storage/RV Parking at 3701 North Pacific Place in Long Beach, Los Angeles, California (LSA Project No. ISP2002)*. (Appendix E-2).

SCCIC Literature Review and Records Search (2023). Site accessed on September 11, 2023. (Appendix E-1).

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