



4.17 TRIBAL CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. 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:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			✓	
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		✓		

As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted and expanded CEQA by establishing a formal consultation process for California tribes within the CEQA process. The bill specifies that any project may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to “begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project.” Section 21074 of AB 52 also defines a new category of resources under CEQA called “tribal cultural resources.” Tribal cultural resources are defined as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is either listed on or eligible for the California Register of Historical Resources or a local historic register, or if the lead agency chooses to treat the resource as a tribal cultural resource.

In compliance with AB 52, the City of Long Beach distributed letters to numerous Native American tribes notifying each tribe of the opportunity to consult with the City regarding the proposed project. The tribes were identified based on a list provided by the Native American Heritage Commission (NAHC), or were tribes that had previously requested to be notified of future projects proposed by the City. These letters were distributed on April 3, 2017. Two tribal response letters were received by the City; the Gabrielino Band of Mission Indians – Kizh Nation provided a letter to the City dated May 2, 2017 requesting consultation regarding the proposed project. The Tongva Ancestral Territorial Tribal Nation also responded and requested additional information pertinent to the cultural resources analysis; this information was provided but no further correspondence or request for consultation was received.

On February 19, 2016, the California Natural Resources Agency proposed to adopt and amend regulations as part of AB 52 implementing Title 14, Division 6, Chapter 3 of the California Code of Regulations, CEQA Guidelines, to include consideration of impacts to tribal cultural resources pursuant to Government Code Section 11346.6. On September 27, 2016, the California Office of Administrative Law approved the amendments to Appendix G of the CEQA Guidelines, and these amendments are addressed within this environmental document.



- a) **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:**
- 1) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**

Less Than Significant Impact. Refer to Response 4.5(a). Based on the Cultural Report, the only historic resources determined to exist on-site are two segments of the Pacific Electric Railway, Long Beach Line, designated as the Pacific Electric Railway Freight Line (PERY Freight Line). The railroad segments recorded are thought to be at least 75 years old, possibly several years older. These resources were recommended as not eligible for the California Register of Historical Resources or other local register, and thus do not meet the definition of a tribal cultural resource. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation is required.

- 2) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less Than Significant Impact With Mitigation Incorporated. As noted above, the City of Long Beach solicited consultation with potentially affected Native American tribes (as applicable) regarding the proposed project in accordance with AB 52. Two tribal response letters were received by the City; the Gabrielino Band of Mission Indians – Kizh Nation provided a letter to the City dated May 2, 2017 requesting consultation regarding the proposed project, and that the tribe has requested the presence of a Native American monitor during ground disturbing activities associated with the project. Based on the results of the consultation between the City and the Gabrielino Band of Mission Indians – Kizh Nation, the City has indicated it is amenable to the presence of a tribal observer during construction activities. The Tongva Ancestral Territorial Tribal Nation also responded and requested additional information pertinent to the cultural resources analysis; this information was provided but no further correspondence or request for consultation was received.

Given the level of previous disturbance within the project site, it is not expected that any tribal cultural resources remain within the shallow soils on-site due to the placement of fill material. However, construction of the proposed project would require grading and excavation activities and may have the potential to encounter native soils, which may contain undiscovered tribal cultural resources. In the unlikely event resources are discovered during ground-disturbing activities, compliance with Mitigation Measure CUL-1, which provides instructions in the event a material of potential cultural significance is uncovered, would reduce potential impacts to a less than significant level.

Mitigation Measures: Refer to Mitigation Measure CUL-1.