FINAL ENVIRONMENTAL IMPACT REPORT

FIRE STATION NO. 9 AT 4101 LONG BEACH BOULEVARD

CITY OF LONG BEACH

SCH #2022020416

September 2022

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1.0 INTRODUCTION

This document comprises the Final Environmental Impact Report (EIR) for the proposed Fire Station No. 9 at 4101 Long Beach Boulevard Project (project). It is composed of comments received during the public review period, and responses to those comments, and an Errata section that clarifies, amplifies, or makes minor modifications to the Draft EIR text. The Draft EIR and technical appendices are bound separately.

In compliance with Section 15201 of the *State CEQA Guidelines*, the City of Long Beach (City) has provided opportunities for public participation in the environmental process. The City distributed an Initial Study (IS) and Notice of Preparation (NOP) on February 18, 2022, to the California State Clearinghouse, responsible agencies, and interested parties for a 30-day public review period (from February 18, 2022, to March 22, 2022). The City also made the IS and NOP available on the City's website to inform agencies and the public about the proposed project and to solicit input on the scope of the Draft EIR. The IS and NOP described the project and identified potential environmental impacts associated with project development and operation. In addition, the City held a virtual public scoping meeting on March 9, 2022, to present the proposed project and to solicit input from interested parties regarding environmental issues that should be addressed in the Draft EIR. Appendix A of the Draft EIR contains a copy of the Initial Study/Notice of Preparation (IS/NOP). Appendix B of the Draft EIR includes copies of the comments received by the City during the scoping period. Section 2.2.2 of the Draft EIR states that no environmental issues and concerns were raised at the scoping meeting.

The California Environmental Quality Act (CEQA) requires a Draft EIR to have a review period lasting at least 45 days for projects that have been submitted to the California State Clearinghouse for review (*State CEQA Guidelines*, Section 150105(a)). As required by the *State CEQA Guidelines* Section 15087, the City provided a public Notice of Availability (NOA) of the Draft EIR for the proposed project at the same time it filed a Notice of Completion (NOC) with the State Clearinghouse. The Draft EIR was circulated for public review for a period of 45 days, from July 15, 2022, to August 29, 2022.

The City used several media to solicit comments on the Draft EIR. The City placed the NOA in the Long Beach Press-Telegram on July 15, 2022. The NOA was mailed to the last known name and address of agencies, organizations, and individuals who previously requested such notice in writing. The City submitted the Draft EIR to the State Clearinghouse for distribution to, and review by, State agencies. The City made copies of the Draft EIR available at three locations: the City of Long Beach City Hall, the Dana Neighborhood Library, and the Billie Jean King Main Library. In addition, the City posted the Draft EIR and all technical appendices on the City website.

The City received four (4) comment letters on the Draft EIR. Comments were received from State agencies, local agencies, and members of the public. The comments are included in and responded to in this Final EIR. Comments that address environmental issues are responded to thoroughly. Comments that (1) do not address the adequacy or completeness of the Draft EIR; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*.

Section 15088 of the *State CEQA Guidelines*, Evaluation of and Response to Comments, states:

a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:

   1. Revise the text in the body of the EIR; or

   2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information contained in the Draft EIR as a result of the comments received on the Draft EIR, and no significant new information has been added that would require recirculation of the document pursuant to *State CEQA Guidelines*, Section 15088.5. This Final EIR also includes an Errata section that clarifies and makes minor modifications to the Draft EIR as a result of comments received during the public review period.

1.1 INDEX OF COMMENTS RECEIVED

The following is an indexed list of the agencies and individuals that commented on the Draft EIR. The comments received have been organized in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed or coded with a number as shown in Table 1.A below.

Table 1.A: Comments Received During the Public Comment Period

Comment Code	Signatory	Date
State		
S-1	California Department of Transportation (Caltrans)	08/24/2022
Local		
L-1	Long Beach Unified School District (LBUSD)	08/05/2022
L-2	Gabrieleno Band of Mission Indians – Kizh Nation	08/09/2022
Members of the General Public (Individuals and Organizations not affiliated with government agencies)		
P-1	David and Kathy Walker	07/16/2022

1.2 FORMAT OF RESPONSES TO COMMENTS

Responses to each of the indexed/coded comment letters are provided on the following pages. The comment index numbers are provided in the upper right corner of each comment letter, and individual comments within each letter are numbered along the right-hand margin of each letter. The City's responses to each comment letter immediately follow each letter and are referenced by the index numbers in the margins. As noted in some of the responses, the City has made some text revisions to the Draft EIR in response to certain comments. Proposed revisions to the Draft EIR are included in Chapter 3.0, Errata.

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2.0 RESPONSES TO COMMENTS

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2.1 STATE AGENCIES

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DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

S-1

Making Conservation a California Way of Life

August 24, 2022

Maryanne Cronin, Planner
Planning Bureau
City of Long Beach Development Services
411 West Ocean Boulevard, Third Floor
Long beach, CA 90802

RE: Fire Station No. 9 Project at 4101 Long Beach Boulevard
SCH # 2022020416
Vic. LA-405/PM 6.37
GTS # LA-2022-04003-DEIR

Dear Maryanne Cronin:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The proposed project includes the demolition of the existing building and parking lot on the project site and the subsequent development of an approximately 12,780 sf, two-story fire station and associated improvements. Vehicular access would be provided through the alley on the northern side of the project site and an exit-only driveway onto Long Beach Boulevard. Firefighting and emergency medical response vehicles would exit the project site via a driveway off East Randolph Place.

S-1-1

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

http://opr.ca.gov/ceqa/updates/guidelines/

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

S-1-2

S-1

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, all future developments should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

S-1-3

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

S-1-4

Caltrans encourages lead agencies to prepare traffic safety impact analysis for all developments in the California Environmental Quality Act (CEQA) review process so that, through partnerships and collaboration, California can reach zero fatalities and serious injuries by 2050.

The proposed project would replace a fire station with another fire station within the same service area. VMT generated by the proposed project is likely to be similar to VMT generated by the fire station being replaced. Therefore, the proposed project's impact related to *Stat CEQA Guidelines* Section 15064.3, subdivision (b) would be less than significant, and no mitigation is required.

S-1-5

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

S-1-6

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2022-04003-MND.

Sincerely,

Miya Edmonson

MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

2.1.1 CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Letter Code: S-1
Date: August 24, 2022

Response to Comment S-1-1

The comment is introductory and describes the proposed project.

The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment S-1-2

The comment introduces the mission of Caltrans and Senate Bill (SB) 743, which amended CEQA to require the use of vehicle miles traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects.

This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. As described in Section 4.7.5 of the Draft EIR, the VMT generated by the proposed project would be similar to the VMT generated by the existing fire station being replaced. Therefore, the proposed project's impact related to *State CEQA Guidelines* Section 15064.3, subdivision (b) would be less than significant, and no mitigation is required.

Response to Comment S-1-3

The comment acknowledges the challenges that the region faces in identifying viable solutions to alleviating congestion on State and local facilities. Caltrans recommends multi-modal and complete streets prioritizing and allocating space to efficient modes of travel such as bicycling and public transit that can allow streets to transport more people in a fixed amount of right-of-way.

The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. The proposed project includes the development of a replacement fire station. Aside from the installation of three new traffic signals at the intersection of Long Beach Boulevard/Randolph Place, the project does not include any improvements to the local streets in the vicinity of the project site. Nevertheless, the City's decision-makers will take this recommendation under consideration as part of its efforts to provide an efficient transportation system for all road users.

Response to Comment S-1-4

The comment recommends the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Additionally, Caltrans encourages preparation of traffic safety impact analyses for all developments undergoing CEQA review.

As discussed in the Section 4.15, Public Services, of the Initial Study (Appendix A of the Draft EIR), the proposed project would implement a Construction Staging and Traffic Management Plan (CSTMP) during construction to ensure that emergency vehicles would be able to navigate through any traffic congestion due to construction activities. The CSTMP would promote traffic calming measures and vehicle safety precautions by limiting lane restrictions on Long Beach Boulevard to

off-peak hours, to the extent feasible. Additionally, in compliance with City standards the proposed project would include a new crosswalk across Long Beach Boulevard at the north leg of the intersection with the new traffic signal. This operational improvement would promote implementation of complete streets and pedestrian safety. In addition, as described in Section 4.7, Transportation, of the Draft EIR (page 4.7-21), the project would not make any changes to the public rights-of-way in the project vicinity or generate a substantial number of daily or peak-hour vehicle trips for construction or typical operations to warrant modifications to any transportation facilities (e.g., vehicular, transit, bicycle, or pedestrian). Therefore, the project would not conflict with the Mobility Plan 2035.

Response to Comment S-1-5

The comment acknowledges that the proposed project would replace a fire station with another fire station within the same service area and the VMT generated would likely be similar to existing conditions and therefore impacts would be less than significant, and no mitigation is required.

The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment S-1-6

The comment notes that any transportation of heavy construction equipment and/or materials that requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. The comment also recommends that large-size truck trips be limited to off-peak commute periods.

Given the proposed project's small size and limited building height, the use of oversized-transport vehicles or construction equipment on State highways is not anticipated. If such vehicles are required, the City's construction contractor would be responsible for obtaining a transportation permit from Caltrans. As described under Threshold 4.7.1 in Section 4.7, Transportation, of the Draft EIR, all study area intersections are forecast to operate at satisfactory level of service (LOS) D or better with the addition of the proposed project's temporary construction trips during the a.m. and p.m. peak hours. Therefore, although the City will encourage its construction contractor to limit any oversize truck trips to off-peak hours, restrictions on the timing of large-size truck trips are not warranted.

2.2 LOCAL AGENCIES

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long beach unified school district

BUSINESS DEPARTMENT – Facilities Development & Planning
Office of the Executive Director
2425 Webster Avenue, Long Beach, CA 90810
(562) 997-7550 Fax (562) 595-8644

August 5, 2022

VIA EMAIL

Maryanne Cronin, Planner
City of Long Beach Development Services, Planning Bureau
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802
LBDS-EIR-Comments@longbeach.gov

RE: Draft EIR for the Fire Station No. 9 Project at 4101 Long Beach Boulevard

Dear Planning Commission:

The Long Beach Unified School District ("District") is in receipt of the Planning Bureau's Notice, dated July 15, 2022, regarding a Draft Environmental Impact Report ("EIR") for Fire Station No. 9 at 4101 Long Beach Boulevard ("Site"). The District submits this letter to notify the City of Long Beach ("City") of its concerns in relation to traffic during construction.

The District acknowledges that the EIR indicates the District shall be notified in advance of any lane closures on Long Beach Boulevard. The District would like to request that the lane closures occur outside of the busiest traffic periods of nearby schools (e.g. after morning drop-off and before afternoon pick-up) or the project take place over the Winter/Spring/Summer breaks. L-1-1

The District appreciates the opportunity to review and comment on this EIR and would welcome an opportunity to discuss this matter with the City further and to work with the City on addressing our traffic concerns.

Please feel free to contact me at 562-997-7550 or DMiranda1@lbschools.net.

Sincerely,

David Miranda
Executive Director

2.2.1 LONG BEACH UNIFIED SCHOOL DISTRICT (LBUSD)

Letter Code: L-1
Date: August 5, 2022

Response to Comment L-1-1

This comment acknowledges that the Draft EIR indicates that LBUSD would be notified in advance of any lane closures on Long Beach Boulevard associated with the proposed project. LBUSD requests that any lane closures are restricted to times outside of the busiest traffic periods of nearby schools or during winter/spring/summer breaks.

As discussed in the Section 4.15, Public Services, of the Initial Study (Appendix A of the Draft EIR), Compliance Measure PS-1 requires the City to notify the Long Beach Unified School District (LBUSD) in advance of any lane closures on Long Beach Boulevard. Furthermore, Compliance Measure PS-1 requires that a Construction Staging and Traffic Management Plan (CSTMP) be approved by the City of Long Beach Traffic Engineer, or designee, and implemented during proposed project construction. The CSTMP shall also include the name and phone number of a contact person who can be reached 24 hours per day regarding construction traffic complaints or emergency situations. In addition, the CSTMP shall take into account and coordinate with other construction staging and traffic management plans that are in effect or have been proposed for other projects in the City of Long Beach. The CSTMP may include the following: construction activities shall be scheduled to reduce the effect on traffic flow on arterial streets; construction trucks shall be rerouted to reduce travel on congested streets; if feasible, any traffic lane closures will be limited to off-peak traffic periods, as approved by the City of Long Beach Public Works Department; and the general public shall be notified in advance of any traffic lane closures so that motorists can plan accordingly.

Maryanne Cronin

From: Gabrieleno Administration <admin@gabrielenoindians.org>
Sent: Tuesday, August 09, 2022 11:23 AM
To: Maryanne Cronin
Subject: Re: Fire Station No. 9 (4101 Long Beach Blvd): Notice of Availability of a Draft Environmental Impact Report

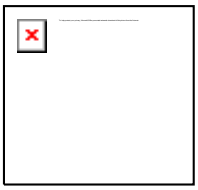
-EXTERNAL-

Good morning Maryanne

Mr. Salas has requested that in section mitigation measure TCR-1 you please keep the Tribal entity separate with their separate mitigation measure for we are not the same. Please note if Tribal entities do not consult it is not feasible to implement other entities mitigation measures when they have not provided AB52 consultation or substantial evidence for the protection of Tribal cultural resources. L-2-1

Thank you

Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived."

On Thu, Aug 4, 2022 at 7:24 AM Maryanne Cronin <Maryanne.Cronin@longbeach.gov> wrote:

> Good Morning Brandy,
>
> We held a consultation meeting with the Gabrieleno Band of Mission Indians - Kizh Nation on January 20, 2022. Mitigation Measure TCR-1 includes the mitigation that was requested as a result of the consultation meeting. The

2.2.2 GABRIELENO BAND OF MISSION INDIANS – KIZH NATION

Letter Code: L-2
Date: August 9, 2022

Response to Comment L-2-1

The comment requests that Mitigation Measure TCR-1 be revised to separate each Tribal entities' proposed mitigation measures. The comment further clarifies that if Tribal entities do not consult, it is not feasible to implement other Tribal entities' mitigation measures when they have not provided AB 52 consultation.

Mitigation Measure TCR-1 has been revised to only reflect the mitigation procedures requested by the Gabrieleno Band of Mission Indians – Kizh Nation during the Assembly Bill (AB) 52 tribal consultation process for the project. The mitigation procedures requested by the Gabrieliño Tongva Indians of California (GTIOC) during the project's AB 52 tribal consultation process are now included in Mitigation Measure TCR-2. Please reference Chapter 3.0, Errata, for associated text revisions. Mitigation Measure TCR-2 was developed based on input received by the Gabrielino Tongva Indians of California Tribe (GTIOC) during the AB 52 consultation process completed for the proposed project. As indicated in Section 4.8, Tribal Cultural Resources, the GTIOC responded to the AB 52 consultation request on March 7, 2022, with a request to meet with the City staff. On March 9, 2022, Robert Dorame, the GTIOC Tribal Chair, met with the City and provided GTIOC tribal recommendations regarding Recovery and Reburial Procedures, cultural resource monitoring recommendations, and procedures for the treatment and disposal of human remains and grave goods. A subsequent meeting was held on August 31, 2022, with Andy Salas and representatives from the Gabrieleno Band of Mission Indians - Kizh Nation regarding the proposed mitigation measures for tribal cultural resources. No additional revisions were made in response to the mitigation beyond the reorganization of the mitigation measure as described above. The changes as described above are generally minor changes that do not constitute significant new information, change the conclusions of the environmental analysis, or require recirculation of the document (*State California Environmental Quality Act [CEQA] Guidelines* Section 15088.5).

2.3 MEMBERS OF THE GENERAL PUBLIC

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P-1

Maryanne Cronin

From: David & Kathy Walker <walkerdk85@gmail.com>
Sent: Saturday, July 16, 2022 2:33 PM
To: LBDS-EIR-Comments
Subject: Station Number 9

-EXTERNAL-

As neighbors of this new station, we want to make sure that:

1. Firefighter parking will be at the station and not street parking as the streets are already impacted. Please discuss how the shift change will assure this happens. P-1-1

2. We ask that with the new traffic signals installed on Randolph and LB Blvd, that there will be a way that the street knows there are cars on Randolph that want to exit onto LB Blvd North and South. I am not sure what the term is called but the sensors in the cement to know cars want to get on LB Blvd. P-1-2

3. If there is any possible way, we sure would appreciate road repair on East Randolph Place. The street is falling apart. P-1-3

Thank you,

David Walker
220 E. Randolph Place
David Cell: 562-756-0361

2.3.1 DAVID AND KATHY WALKER

Letter Code: P-1
Date: July 16, 2022

Response to Comment P-1-1

The comment asks to ensure that firefighters employed by the proposed project would park within the proposed project site and would not utilize street parking.

CEQA does not consider the adequacy of a project's parking or its impacts on parking unless it will result in significant secondary effects on the physical environment. Fire Department shift changes would typically take place between 6:30 a.m. and 7:30 a.m., with a goal for all personnel to arrive at 7:00 a.m. As shown in the Final EIR, Figure 2.1, below, Shift Change, all personnel vehicles will park on site and a "shuffling" of vehicles will occur at the change of shift, to allow the on-coming shift to park. There are a total of 11 parking spaces with 7 staff on per shift. Three vehicles belonging to the outgoing shift will be staged to exit allowing the on-coming crews to park. Therefore, there is no need for curbside parking by fire personnel during the shift change. This comment does not address the environmental analysis or conclusions of the Draft EIR. Therefore, no further response is necessary.

Response to Comment P-1-2

This comment requests that the new traffic signals installed at the intersection of Long Beach Boulevard/Randolph Place include in-pavement sensors to detect the presence of cars at the intersection.

The proposed traffic signal located at Long Beach Boulevard/Randolph Place has been designed as a fully actuated signal. Therefore, traffic sensing detector loops will be installed on all lanes, including the Randolph Place approach. As discussed in Section 4.7, Transportation, of the Draft EIR, based on the project typical operations and temporary construction activities, the project is not anticipated to result in any Level of Services (LOS) or operational deficiencies to the surrounding circulation system. As shown in Table 4.7.A, in Section 4.7, under existing conditions, the Long Beach Boulevard/Randolph Place intersection operates at LOS C, and under post-project conditions, the intersection is expected to function at LOS A, which would represent an improvement in operations. With the addition of the project trips in the existing condition, all the study area intersections would continue to operate at satisfactory LOS D or better. Additionally, as shown in Table 4.7.F, during construction, the Long Beach Boulevard/Randolph Place intersection is forecast to operate at satisfactory LOS D or better with the addition of the temporary construction trips.

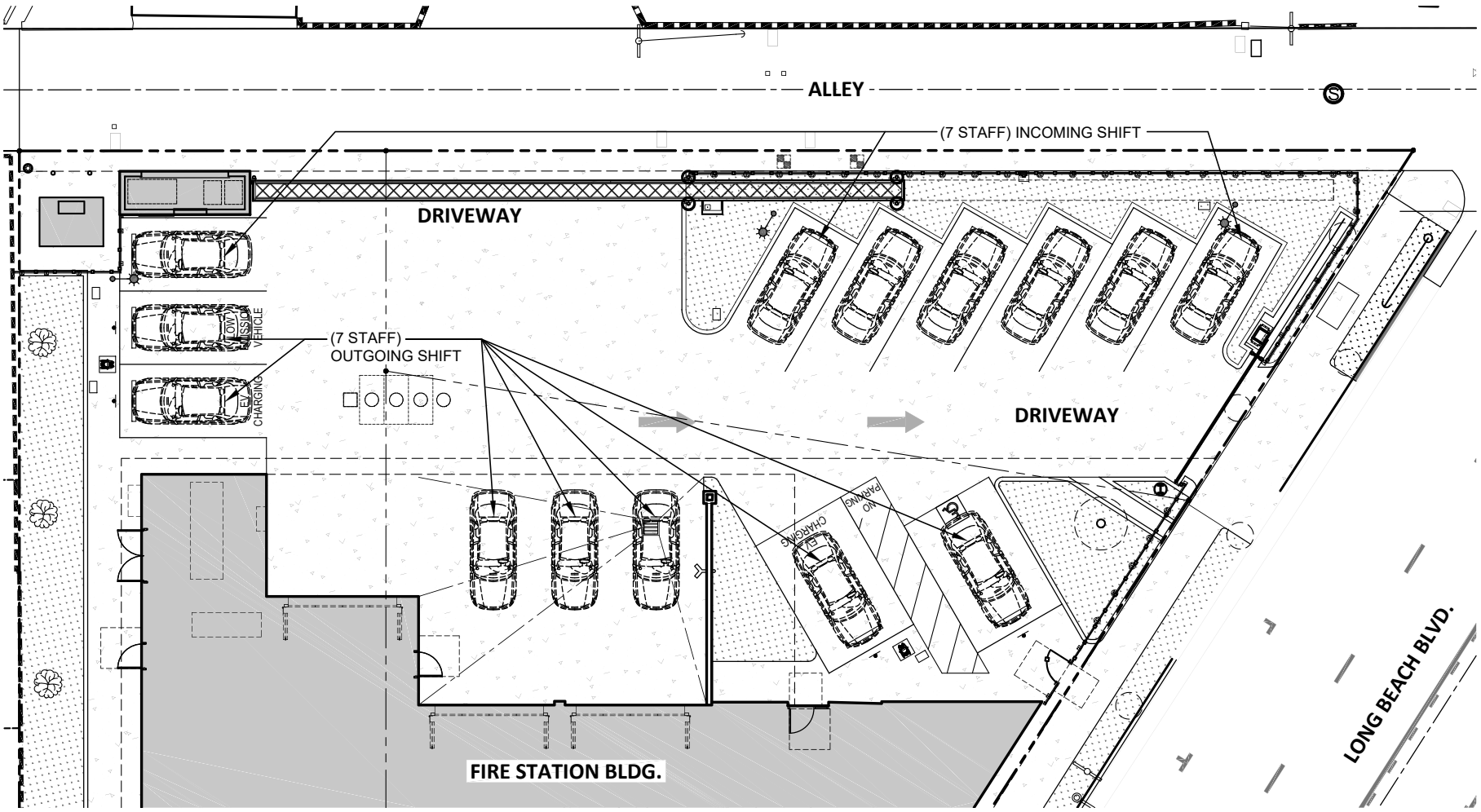
Response to Comment P-1-3

This comment requests road repairs be conducted on Randolph Place due to the current condition of the road.

This comment does not address the environmental analysis or conclusions of the Draft EIR. Therefore, no further response is necessary. The proposed project includes the replacement of a portion of Randolph Place adjacent to the project site with new 6-inch thick reinforced concrete pavement. As shown in Final EIR, Figure 2.2, below, Existing Condition of Randolph Place, under

existing conditions, the remaining portion of Randolph Place is currently in need of some repair; however, there is no available funding to complete these repairs at this time. Nevertheless, this comment will be shared with the City's decision-makers, who will consider the need for future repairs to Randolph Place and other public streets under its annual street maintenance and repair program.

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LSA

FIGURE 2.1

NO SCALE

SOURCE: Mary McGrath Architects

I:\CLB1904.26\G\Shift_Change.ai (9/13/2022)

Fire Station No. 9
at 4101 Long Beach Boulevard

Shift Change

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LSA

FIGURE 2.2

Fire Station No. 9
at 4101 Long Beach Boulevard

Existing Condition of Randolph Place

I:\CLB1904.26\G\Existing_Condition_Randolph.ai (9/13/2022)

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3.0 ERRATA

This section of the Final Environmental Impact Report (EIR) provides text changes to the Draft EIR that have been made to clarify, amplify, or make minor edits the Draft EIR text for the proposed Fire Station No. 9 at 4101 Long Beach Boulevard project (proposed project). Such changes are a result of further review of, and public comments related to, the Draft EIR. The changes described in this section are generally minor changes that do not constitute significant new information, change the conclusions of the environmental analysis, or require recirculation of the document (*State California Environmental Quality Act [CEQA] Guidelines* Section 15088.5).

Such changes to the Draft EIR are indicated in this section under the appropriate Draft EIR section. Deletions are shown with ~~strikethrough~~ and additions are shown with underline.

1. Chapter 1.0, Executive Summary

Table 1.A (Section 4.8, Tribal Cultural Resources) beginning on page 1-20 in Chapter 1.0, Executive Summary, has been revised in response to a comment letter received during public circulation of the Draft EIR from the Gabrieleno Band of Mission Indians Kizh Nation (comment letter L-2). This change was made for clarification only and has no effect on the analysis or conclusions contained in the Draft EIR.

The following revisions were made under Threshold 4.13.1(ii) in Table 1.A:

> **Less Than Significant Impact with Mitigation Incorporated.** A cultural resources record search, a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC), and Native American consultation per Assembly Bill (AB) 52 and Senate Bill (SB) 18 was conducted for the proposed project. The purpose of these efforts was to identify known tribal cultural resources on or near the project site. No cultural resources were identified as part of the records search.
>
> However, consultation with Gabrielino Tongva Indians of California Tribe and Gabrieleno Band of Mission Indians resulted in the proposition of Mitigation Measures TCR-1 and TCR-2. Inclusion of Mitigation Measures TCR-1 and TCR-2 would ensure potential impacts to tribal cultural resources would be less than significant.
>
> Although no human remains are known to be on the project site or are anticipated to be discovered during project construction, there is always a possibility of encountering unanticipated human remains. If human remains are Native American in origin, the remains may be considered a tribal cultural resource. If human remains are encountered, the City of Long Beach (City) is required to comply with Compliance Measure CUL-1, which requires compliance with the State's Health and Safety Code for the treatment of human remains and coordinate with the Native American Heritage Commission and a Most Likely Descendant if the remains are determined to be Native American. Implementation of Compliance Measure CUL-1 and Mitigation Measures TCR-1 and TCR-2 would ensure potential impacts to tribal cultural resources would be less than significant.

Mitigation Measure TCR-1 **Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation) Tribal Consultation.** Prior to issuance of a grading permit for the project, the City of Long Beach (City) shall retain a ~~both the~~ Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation) tribal monitor ~~and the Gabrieliño Tongva Indians of California (GTIOC)~~ to provide Native American tribal monitoring of ground-disturbing activities. Ground-disturbing work requiring Native American tribal monitoring shall adhere to the following requirements established by the consulting Tribe~~s~~:

~~**Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation)**~~

1) ~~KN-1:~~ Retain a Gabrieleño Band of Mission Indians—Kizh Nation ~~Native American~~ Monitor Prior to Commencement of Ground-Disturbing Activities

   A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

   B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to whichever is earlier: the commencement of any ground-disturbing activity or the issuance of any permit necessary to commence a ground-disturbing activity.

   C. The monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Kizh Nation. Monitoring logs

shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitoring logs shall be provided to the project applicant/lead agency upon written request to the Kizh Nation.

D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh Nation to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh Nation TCRs.

E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh Nation monitor and/or the Kizh Nation archaeologist. The Kizh Nation shall recover and retain all discovered TCRs in the form and/or manner the Kizh Nation deems appropriate, in the Kizh Nation's sole discretion, and for any purpose the Kizh Nation deems appropriate, including for educational, cultural, and/or historic purposes.

2) ~~KN 2:~~ Unanticipated Discovery of Human Remains and Associated Funerary Objects

A. 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.

B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Sections 5097.98(d)(1) and (2).

D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh Nation determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh Nation monitors and/or archaeologist deems necessary) (*State CEQA Guidelines* Section 15064.5(f)).

E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

3) ~~KN 3.~~ Procedures for Burials and Funerary Remains:

A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Kizh Nation, 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.

B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils shall 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. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.

D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall 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 shall be posted outside of working hours. The Kizh Nation shall 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.

E. In the event preservation in place is not possible despite good faith efforts by the project applicant/ developer and/or landowner, before ground-disturbing activities may resume on the project site, 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.

F. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within 6 months of recovery. The site of reburial/ repatriation shall be on the project site but at a location agreed upon between the Kizh Nation and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

G. The Kizh Nation shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Kizh Nation, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery-related forms of documentation shall be approved in advance by the Kizh Nation. If any data recovery is performed, once complete, a final report shall be submitted to the Kizh Nation and the NAHC. The Kizh Nation does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Mitigation Measure TCR-2 **Gabrieliño Tongva Indians of California (GTIOC) Tribal Consultation.** Prior to issuance of a grading permit for the project, the City shall retain a Gabrieliño Tongva Indians of California (GTIOC) tribal monitor to provide Native American tribal monitoring of ground-disturbing activities. Ground-disturbing work requiring Native American tribal monitoring shall adhere to the following requirements established by the consulting Tribes:

1) ~~GTIOC 1:~~ Gabrieliño Tongva Indians of California (GTIOC) Native American Monitor

A. A qualified and certified indigenous tribal member of the Gabrielino Tongva Indians of California (GTIOC) shall provide professional Native American Monitoring required for the ground-disturbing activity on the site. Ground disturbances including but not limited to the removal of asphalt/cement/ slurry, trenching, boring, excavation, auguring, grubbing, tree removal, grading and drilling shall be monitored. The Tribal Monitor shall only be required on site when these ground-disturbing activities occur.

B. The GTIOC monitor shall be responsible for observing all mechanical and hand labor excavations to include paddle scrappers, blade machines, front-end loaders, backhoe, boring and drill operations as well as hydraulic and electric chisels. Associated work using tools such as picks and other non-electric or gasoline tools that are not regarded as mechanical shall be monitored for their soil disturbances.

C. Soils that are removed from the work site are considered culturally sensitive and are subject to inspection. These soils whether placed in a dump truck or spots piles are to be inspected. The monitor shall temporarily hold excavations until a determination is made on the sensitivity of the of the soil. If the soils are sensitive, an archaeological monitor shall verify the find and notify the site supervisor.

D. The GTIOC monitor may make recommendations during the course of the project when a cultural area has been impacted. The GTIOC monitor shall be authorized to halt or redirect excavation activities to another area as an assessment is made. Both archaeological and GTIOC shall work together to ensure that the area is warranted as being culturally sensitive before a determination is made. Avoidance and directing an alternative route from this culturally sensitive area is highly recommended.

E. Any artifacts associated within the site that are not associated with any burials are subject to collection by the designated archaeologist for purposes of data and information vital for their final report. The GTIOC monitor does not collect artifacts for any reason. Unauthorized removal of artifacts will jeopardize sites orientation and successful data recovery. Only a qualified archaeologist shall remove artifacts for their reports. The landowner shall work with the GTIOC monitor to ensure that a proper repository is established. A final report shall be issued to the cultural consultant by the archaeological company.

F. It is the sole responsibility of the GTIOC monitor to provide the client with a written daily field report that includes photos of his/her accounting of the soil disturbances of the daily activities. This perspective of the daily activities by the GTIOC monitor shall enhance the information gathered by the field archaeologist. The daily report shall include observations the GTIOC visually observed on the project site at the beginning of each workday (i.e., weather conditions, overnight disturbances).

2) ~~GTIOC-2:~~ Archaeological Survey

A. If a culturally sensitive area is identified, an archaeological survey must be completed before any movement of soil (to include hand shoveling, grading or excavation) takes place. The survey must be conducted by a qualified archaeologist who is knowledgeable and experienced in working in the Gabrielino Tongva geographical area. If an archaeologist has little or no experience in the Gabrielino Tongva territory, a qualified, experienced Gabrielino Tongva cultural consultant shall assist in the archaeological survey.

3) ~~GTIOC-3:~~ Treatment Plan for Human Discovery

A. If any archaeological or paleontological, or cultural deposits, are discovered, including but not limited to skeletal remains and grave related artifacts, artifacts of traditional cultural, religious, or spiritual sites, or any other artifacts relating to the use or

habitation sites, all construction shall cease within at least 50 feet of the discovery and halted until the proper authorities are contacted. Authorities, to include the county corner and law enforcement, shall evaluate and make a determination and a formal review of the find. The county coroner has the legal responsibility for determining whether or not the remains are native indigenous people.

B. If it is established that the remains are of native indigenous people, the Native American Heritage Commission (NAHC) shall be contacted by the coroner under the California Health and Safety Code (Senate Bill 297, Chapter 1492, Statutes of 1982 and Section 7050.50). A Most Likely Descendant (MLD) shall be assigned by the NAHC to ensure the ancestor(s) is treated with dignity and respect (Public Resources Code Section 5097.98). A certified osteologist shall be retained to verify the human remains' authenticity and work to help remove the ancestor(s) from the site area with the discretion and advice of the MLD. The GTIOC monitor(s) assigned to the project shall assist the osteologist and archaeological monitors in the recovery process. The MLD shall determine where the ancestors shall be housed pending a final decision for the reinterment of the ancestor(s).

4) ~~GTIOC 4:~~ Recovery and Reburial Procedures

A. Specific methods of recovery and reburial procedures have been developed and adopted by the Gabrielino Tongva Indians of California and are required to adhere to when recovering Gabrielino Tongva remains. Conditions may arise where altering some of these guidelines shall be considered. Consultation with the MLD and the GTIOC monitor(s) assigned to the site should then be scheduled to determine other procedures that may be acceptable to the Gabrielino Tongva Nation.

Excavation:

1. Consultation between the MLD and the archaeological firm must take place before

the recovery of the remains and during the process of extraction.

2. A 50-foot perimeter for each uncovered burial shall be required to safeguard further destruction until the area is examined for additional remains and associated grave goods.

3. In the event blade machines are operating in an adjacent area, a maximum of 2-inch cuts or less shall be permitted in all cultural areas.

4. If more than one area is being excavated for extraction of remains simultaneously, an additional GTIOC must be required. Each excavated burial shall be monitored exclusively.

5. Wooden tools are preferred for the process of recovery; electric chisels and other power tools should be avoided.

6. If remains are pedestaled, they shall be placed on plywood for removal. If remains cannot be pedestaled due to soil conditions, remains shall be carefully placed in cloth bags.

7. Soils adjacent to burials shall be saved for reburial in plastic containers.

8. No photography (both film and digital) or video is allowed to be taken of the remains or the site. Drawings of remains are permitted to retain the orientation of the ancestors for reinterment purposes only. Coroner photographs of the remains may not be published for any purpose.

Testing:

1. DNA testing cannot be undertaken.

2. No invasive testing which would compromise the integrity of the remains is permitted.

3. Macroscopic analysis is permitted.

4. Any associated grave goods (such as shell) may be used for dating purposes of each burial.

5. When remains are unearthed, 1-foot X 1-foot test pits will be allowed to establish the extent of the burial area when necessary.

6. All windrows within a 50-foot area must be screened (either wet or dry).

Storage:

1. Natural cotton bags and sheeting or cotton drop cloths shall be used to store remains until the time of reinterment. Deer or other native hides may be used to cover the bagged and wrapped remains until the reburial and may become the burial wrapping.

2. Bone fragments are also subject to be bagged in cotton.

3. Until the scope of the project is completed, storage of ancestors shall be done in close proximity to the location of excavation or a protected area must be provided by the landowner or archaeologist.

Reburial:

1. Efforts shall be made to keep the remains within the same location or in close proximity to the removal site as possible. It is preferable to repatriate the remains within a 0.50-mile radius of the original grave site. If it is not possible to identify a proper location within the 0.50-mile radius, a secure location will be valued over distance.

2. If the preponderance of remains is uncovered in or excavated from one area, the reinterment should be in that area.

3. The reburial site should offer the best long-term protection against any additional disturbances.

4. Each reburial requires approximately 4 feet X 5.5 feet when fully articulated and should be at a depth of 6–10 feet. The purpose of this depth is to ensure difficulty in disturbing the reburial and to allow adequate room for capping if necessary.

5. Any isolated bone fragments uncovered on site may be buried together in an individual burial pit with indigenous animal skins, seaweed, or the cotton cloth used for all bagged fragments.

6. All associated grave goods and artifacts along with soils shall be buried together with the ancestors.

7. No drawings of any other images of ancestral remains may be used for publication without consultation and the approval of the GTIOC monitors and appointed MLD for the site.

Costs:

1. The landowner(s) shall be responsible for all costs related to the proper storage and reburial of remains excavated on their property to include all burial materials as required in these procedure guidelines.

2. The landowner(s) shall be financially responsible for providing reburial plots that are acceptable by the MLD.

2. Section 4.8, Tribal Cultural Resources

The last paragraph on page 4.8-6 in Section 4.8, Tribal Cultural Resources, has been revised in response to comments received during public circulation of the Draft EIR from the Gabrieleno Band of Mission Indians Kizh Nation (comment letter L-2). This change was made for clarification only and has no effect on the analysis or conclusions contained in the Draft EIR.

> **Less Than Significant with Mitigation.** As noted above, cultural resources record search, an SLF search through the NAHC, AB 52 Native American consultation, and SB 18 Tribal Consultation were conducted for the proposed project. The purpose of these efforts was to identify known tribal cultural resources on or near the project site. No cultural resources were identified as part of the records search. However, consultation with Gabrielino Tongva Indians of California Tribe and Gabrieleno Band of Mission Indians resulted in the proposition of Mitigation Measures TCR-1 and TCR-2. Mitigation Measure TCR-1 requires retention of a Gabrieleño Band of Mission Indians—Kizh Nation monitor prior to ~~Native American tribal monitoring of~~ ground-disturbing activities associated with project construction. Mitigation Measure TCR-2 requires retention of a Gabrieliño Tongva Indians of California (GTIOC) monitor prior to ground-disturbing activities associated with project construction. Tribal monitors from both groups shall only be on-site when these ground-disturbing activities occur. Tribal monitoring shall continue until the conclusion of ground-disturbing activities on the project site that disturb sediments a first time. Inclusion of Mitigation Measure TCR-1 and Mitigation Measure TCR-2 would ensure potential impacts to tribal cultural resources would be less than significant.

The second paragraph on page 4.8-7 in Section 4.8, Tribal Cultural Resources, has been revised in response to a comment letter received during public circulation of the Draft EIR from the Gabrieleno Band of Mission Indians Kizh Nation (comment letter L-2). This change was made for clarification only and has no effect on the analysis or conclusions contained in the Draft EIR.

> Although no human remains are known to be on the project site or are anticipated to be discovered during project construction, there is always a possibility of encountering unanticipated human remains. If human remains are Native American in origin, the remains may be considered a tribal cultural resource. If human remains are encountered, the City is required to adhere to Compliance Measure CUL-1, which requires compliance with the State's Health and Safety Code for the treatment of human remains and coordinate with the Native American Heritage Commission and a Most Likely Descendant if the remains are determined to be Native American. Implementation of Compliance Measure CUL-1 and Mitigation Measures TCR-1 and TCR-2 would ensure potential impacts to tribal cultural resources would be less than significant.

Section 4.8.7 in Section 4.8, Tribal Cultural Resources, has been revised in response to a comment letter received during public circulation of the Draft EIR from the Gabrieleno Band of Mission Indians Kizh Nation (comment letter L-2). This change was made for clarification only and has no effect on the analysis or conclusions contained in the Draft EIR.

Prior to mitigation, impacts to tribal cultural resources are considered less than significant; however, consultation with Gabrielino Tongva Indians of California Tribe and Gabrieleno Band of Mission Indians resulted in the proposition of Mitigation Measures TCR-1 and TCR-2.

Section 4.8.8 in Section 4.8, Tribal Cultural Resources, has been revised in response to a comment letter received during public circulation of the Draft EIR from the Gabrieleno Band of Mission Indians Kizh Nation (comment letter L-2). This change was made for clarification only and has no effect on the analysis or conclusions contained in the Draft EIR.

The following mitigation measure is required to reduce potential impacts to tribal cultural resources:

Mitigation Measure TCR-1 **Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation) Tribal Consultation.** Prior to issuance of a grading permit for the project, the City of Long Beach (City) shall retain a ~~both the~~ Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation) tribal monitor ~~and the Gabrieliño Tongva Indians of California (GTIOC)~~ to provide Native American tribal monitoring of ground-disturbing activities. Ground-disturbing work requiring Native American tribal monitoring shall adhere to the following requirements established by the consulting Tribe~~s~~:

~~**Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation)**~~

1) ~~KN-1:~~ Retain a Gabrieleño Band of Mission Indians—Kizh Nation ~~Native American~~ Monitor Prior to Commencement of Ground-Disturbing Activities

   A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to whichever is earlier: the commencement of any ground-disturbing activity or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Kizh Nation. Monitoring logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitoring logs shall be provided to the project applicant/lead agency upon written request to the Kizh Nation.

D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh Nation to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh Nation TCRs.

E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh Nation monitor and/or the Kizh Nation archaeologist. The Kizh Nation shall recover and retain all discovered TCRs in the form and/or manner the Kizh Nation deems

appropriate, in the Kizh Nation's sole discretion, and for any purpose the Kizh Nation deems appropriate, including for educational, cultural, and/or historic purposes.

2) ~~KN-2:~~ Unanticipated Discovery of Human Remains and Associated Funerary Objects

A. 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.

B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Sections 5097.98(d)(1) and (2).

D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh Nation determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh Nation monitors and/or archaeologist deems

necessary) (*State CEQA Guidelines* Section 15064.5(f)).

E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

3) ~~KN 3:~~ Procedures for Burials and Funerary Remains:

A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Kizh Nation, 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.

B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils shall 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. Cremations shall either be removed in bulk

or by means as necessary to ensure complete recovery of all sacred materials.

D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall 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 shall be posted outside of working hours. The Kizh Nation shall 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.

E. In the event preservation in place is not possible despite good faith efforts by the project applicant/ developer and/or landowner, before ground-disturbing activities may resume on the project site, 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.

F. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within 6 months of recovery. The site of reburial/ repatriation shall be on the project site but at a location agreed upon between the Kizh Nation and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

G. The Kizh Nation shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Kizh Nation, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery-related forms of documentation shall be approved in advance by the

Kizh Nation. If any data recovery is performed, once complete, a final report shall be submitted to the Kizh Nation and the NAHC. The Kizh Nation does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Mitigation Measure TCR-2 **Gabrieliño Tongva Indians of California (GTIOC) Tribal Consultation.** Prior to issuance of a grading permit for the project, the City shall retain a Gabrieliño Tongva Indians of California (GTIOC) tribal monitor to provide Native American tribal monitoring of ground-disturbing activities. Ground-disturbing work requiring Native American tribal monitoring shall adhere to the following requirements established by the consulting Tribes:

1) ~~GTIOC-1:~~ Gabrieliño Tongva Indians of California (GTIOC) Native American Monitor

   A. A qualified and certified indigenous tribal member of the Gabrielino Tongva Indians of California (GTIOC) shall provide professional Native American Monitoring required for the ground-disturbing activity on the site. Ground disturbances including but not limited to the removal of asphalt/cement/ slurry, trenching, boring, excavation, auguring, grubbing, tree removal, grading and drilling shall be monitored. The Tribal Monitor shall only be required on site when these ground-disturbing activities occur.

   B. The GTIOC monitor shall be responsible for observing all mechanical and hand labor excavations to include paddle scrappers, blade machines, front-end loaders, backhoe, boring and drill operations as well as hydraulic and electric chisels. Associated work using tools such as picks and other non-electric or gasoline tools that are not regarded as mechanical shall be monitored for their soil disturbances.

   C. Soils that are removed from the work site are considered culturally sensitive and are subject to inspection. These soils whether placed in a dump truck or spots piles are to be inspected. The monitor shall temporarily hold excavations until a

determination is made on the sensitivity of the of the soil. If the soils are sensitive, an archaeological monitor shall verify the find and notify the site supervisor.

D. The GTIOC monitor may make recommendations during the course of the project when a cultural area has been impacted. The GTIOC monitor shall be authorized to halt or redirect excavation activities to another area as an assessment is made. Both archaeological and GTIOC shall work together to ensure that the area is warranted as being culturally sensitive before a determination is made. Avoidance and directing an alternative route from this culturally sensitive area is highly recommended.

E. Any artifacts associated within the site that are not associated with any burials are subject to collection by the designated archaeologist for purposes of data and information vital for their final report. The GTIOC monitor does not collect artifacts for any reason. Unauthorized removal of artifacts will jeopardize sites orientation and successful data recovery. Only a qualified archaeologist shall remove artifacts for their reports. The landowner shall work with the GTIOC monitor to ensure that a proper repository is established. A final report shall be issued to the cultural consultant by the archaeological company.

F. It is the sole responsibility of the GTIOC monitor to provide the client with a written daily field report that includes photos of his/her accounting of the soil disturbances of the daily activities. This perspective of the daily activities by the GTIOC monitor shall enhance the information gathered by the field archaeologist. The daily report shall include observations the GTIOC visually observed on the project site at the beginning of each workday (i.e., weather conditions, overnight disturbances).

2) ~~GTIOC 2:~~ Archaeological Survey

A. If a culturally sensitive area is identified, an archaeological survey must be completed before any movement of soil (to include hand shoveling,

grading or excavation) takes place. The survey must be conducted by a qualified archaeologist who is knowledgeable and experienced in working in the Gabrielino Tongva geographical area. If an archaeologist has little or no experience in the Gabrielino Tongva territory, a qualified, experienced Gabrielino Tongva cultural consultant shall assist in the archaeological survey.

3) ~~GTIOC 3:~~ Treatment Plan for Human Discovery

A. If any archaeological or paleontological, or cultural deposits, are discovered, including but not limited to skeletal remains and grave related artifacts, artifacts of traditional cultural, religious, or spiritual sites, or any other artifacts relating to the use or habitation sites, all construction shall cease within at least 50 feet of the discovery and halted until the proper authorities are contacted. Authorities, to include the county corner and law enforcement, shall evaluate and make a determination and a formal review of the find. The county coroner has the legal responsibility for determining whether or not the remains are native indigenous people.

B. If it is established that the remains are of native indigenous people, the Native American Heritage Commission (NAHC) shall be contacted by the coroner under the California Health and Safety Code (Senate Bill 297, Chapter 1492, Statutes of 1982 and Section 7050.50). A Most Likely Descendant (MLD) shall be assigned by the NAHC to ensure the ancestor(s) is treated with dignity and respect (Public Resources Code Section 5097.98). A certified osteologist shall be retained to verify the human remains' authenticity and work to help remove the ancestor(s) from the site area with the discretion and advice of the MLD. The GTIOC monitor(s) assigned to the project shall assist the osteologist and archaeological monitors in the recovery process. The MLD shall determine where the ancestors shall be housed pending a final decision for the reinterment of the ancestor(s).

4) ~~GTIOC 4:~~ Recovery and Reburial Procedures

A. Specific methods of recovery and reburial procedures have been developed and adopted by the Gabrielino Tongva Indians of California and are required to adhere to when recovering Gabrielino Tongva remains. Conditions may arise where altering some of these guidelines shall be considered. Consultation with the MLD and the GTIOC monitor(s) assigned to the site should then be scheduled to determine other procedures that may be acceptable to the Gabrielino Tongva Nation.

Excavation:

1. Consultation between the MLD and the archaeological firm must take place before the recovery of the remains and during the process of extraction.

2. A 50-foot perimeter for each uncovered burial shall be required to safeguard further destruction until the area is examined for additional remains and associated grave goods.

3. In the event blade machines are operating in an adjacent area, a maximum of 2-inch cuts or less shall be permitted in all cultural areas.

4. If more than one area is being excavated for extraction of remains simultaneously, an additional GTIOC must be required. Each excavated burial shall be monitored exclusively.

5. Wooden tools are preferred for the process of recovery; electric chisels and other power tools should be avoided.

6. If remains are pedestaled, they shall be placed on plywood for removal. If remains cannot be pedestaled due to soil conditions, remains shall be carefully placed in cloth bags.

7. Soils adjacent to burials shall be saved for reburial in plastic containers.

8. No photography (both film and digital) or video is allowed to be taken of the remains or the site. Drawings of remains are permitted to retain the orientation of the ancestors for reinterment purposes only. Coroner photographs of the remains may not be published for any purpose.

Testing:

1. DNA testing cannot be undertaken.

2. No invasive testing which would compromise the integrity of the remains is permitted.

3. Macroscopic analysis is permitted.

4. Any associated grave goods (such as shell) may be used for dating purposes of each burial.

5. When remains are unearthed, 1-foot X 1-foot test pits will be allowed to establish the extent of the burial area when necessary.

6. All windrows within a 50-foot area must be screened (either wet or dry).

Storage:

1. Natural cotton bags and sheeting or cotton drop cloths shall be used to store remains until the time of reinterment. Deer or other native hides may be used to cover the bagged and wrapped remains until the reburial and may become the burial wrapping.

2. Bone fragments are also subject to be bagged in cotton.

3. Until the scope of the project is completed, storage of ancestors shall be done in close proximity to the location of excavation or a protected area must be provided by the landowner or archaeologist.

Reburial:

1. Efforts shall be made to keep the remains within the same location or in close proximity to the removal site as possible. It is preferable to repatriate the remains within a 0.50-mile radius of the original grave site. If it is not possible to identify a proper location within the 0.50-mile radius, a secure location will be valued over distance.

2. If the preponderance of remains is uncovered in or excavated from one area, the reinterment should be in that area.

3. The reburial site should offer the best long-term protection against any additional disturbances.

4. Each reburial requires approximately 4 feet X 5.5 feet when fully articulated and should be at a depth of 6–10 feet. The purpose of this depth is to ensure difficulty in disturbing the reburial and to allow adequate room for capping if necessary.

5. Any isolated bone fragments uncovered on site may be buried together in an individual burial pit with indigenous animal skins, seaweed, or the cotton cloth used for all bagged fragments.

6. All associated grave goods and artifacts along with soils shall be buried together with the ancestors.

7. No drawings of any other images of ancestral remains may be used for publication without consultation and the approval of the GTIOC monitors and appointed MLD for the site.

Costs:

1. The landowner(s) shall be responsible for all costs related to the proper storage and reburial of remains excavated on their property to include all burial materials as required in these procedure guidelines.

2. The landowner(s) shall be financially responsible for providing reburial plots that are acceptable by the MLD.

The first paragraph on page 4.8-19 in Section 4.8, Tribal Cultural Resources, has been revised in response to a comment letter received during public circulation of the Draft EIR from the Gabrieleno Band of Mission Indians Kizh Nation (comment letter L-2). This change was made for clarification only and has no effect on the analysis or conclusions contained in the Draft EIR.

> With implementation of Mitigation Measures TCR-1 and TCR-2, the proposed project would result in less than significant impacts with respect to tribal cultural resources.

The last paragraph on page 4.8-19 in Section 4.8, Tribal Cultural Resources, has been revised in response to a comment letter received during public circulation of the Draft EIR from the Gabrieleno Band of Mission Indians Kizh Nation (comment letter L-2). This change was made for clarification only and has no effect on the analysis or conclusions contained in the Draft EIR.

> As such, implementation of Mitigation Measures TCR-1 and TCR-2 and Compliance Measure CUL-1 would ensure that the proposed project, in conjunction with other development in the City, would not result in a significant cumulative impact to unique tribal cultural resources and previously undiscovered buried human remains.

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