

AB 52 Project Notification



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU

July 23, 2018

Gabrieleno/Tongva Tribe
Charles Alvarez
23454 Vanowen Street
West Hills, CA 91307

Re: AB 52 Consultation: Spring Street Business Park Project

Dear Mr. Alvarez:

The City of Long Beach is conducting its AB 52 consultation process for the Spring Street Business Park project (Project). Please consider this letter and preliminary Project information as the initiation of the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d), if you would like to consult on the Project.

The Project would consist of a three-building industrial development on a single, 7.5-acre parcel (APN 7212-009-021) in the Medium Industrial (IM) zoning district. The vacant site, located at the southwest corner of Spring Street and Orange Avenue, abuts City-owned land to be developed as part of Willow Springs Park. Adjacent land uses to the north, across Spring Street, consist of a camper shell sales facility and a crane yard, and the adjacent land use to the east, across Orange Avenue, is a Signal Hill Petroleum facility.

The Project requires a Site Plan Review entitlement (SPR18-011). The three concrete tilt-up buildings would total 160,673 square feet in size. Building 1 would contain 39,812 square feet of floor area and stand 28 feet tall; Building 2 would contain 48,745 square feet of floor area and stand 28 feet tall; and Building 3 would contain 72,116 square feet of floor area and stand 30 feet tall. The three buildings would cover approximately forty-six percent of the site. A surface parking lot containing 162 automobile parking stalls and eight trailer parking stalls would service the buildings. The Project also includes grading, planting, and irrigation of abutting property to create a landscape buffer between the development and Willow Springs Park land.

Your comments and concerns are important to the City of Long Beach. Please respond to this letter within 30 days if you would like to initiate the consultation process.

AB 52 – Spring Street Business Park

July 23, 2018

Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'MH', is positioned above the typed name.

Mark Hungerford, Planner IV

Department of Development Services, Planning Bureau

333 West Ocean Blvd., 5th floor

Long Beach, CA 90802

(562) 570-6439

mark.hungerford@longbeach.gov



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PLANNING BUREAU

July 23, 2018

Gabrieleno/Tongva Indians of California Tribal Council
Robert Dorame, Chairperson
P.O. Box 490
Bellflower, CA 90707

Re: AB 52 Consultation: Spring Street Business Park Project

Dear Mr. Dorame:

The City of Long Beach is conducting its AB 52 consultation process for the Spring Street Business Park project (Project). Please consider this letter and preliminary Project information as the initiation of the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d), if you would like to consult on the Project.

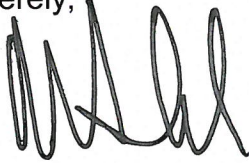
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AB 52 – Spring Street Business Park
July 23, 2018
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PLANNING BUREAU

July 23, 2018

Gabrieleno/Tongva Nation
Sandonne Goad, Chairperson
106 ½ Judge John Aiso Street #231
Los Angeles, CA 90012

Re: AB 52 Consultation: Spring Street Business Park Project

Dear Ms. Goad:

The City of Long Beach is conducting its AB 52 consultation process for the Spring Street Business Park project (Project). Please consider this letter and preliminary Project information as the initiation of the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d), if you would like to consult on the Project.

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PLANNING BUREAU

July 23, 2018

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778

Re: AB 52 Consultation: Spring Street Business Park Project

Dear Mr. Morales:

The City of Long Beach is conducting its AB 52 consultation process for the Spring Street Business Park project (Project). Please consider this letter and preliminary Project information as the initiation of the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d), if you would like to consult on the Project.

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July 23, 2018

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Mark Hungerford, Planner IV

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PLANNING BUREAU

July 23, 2018

John Tommy Rosas
Tongva Ancestral Territorial Tribal Nation

Re: AB 52 Consultation: Spring Street Business Park Project

Dear Mr. Rosas:

The City of Long Beach is conducting its AB 52 consultation process for the Spring Street Business Park project (Project). Please consider this letter and preliminary Project information as the initiation of the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d), if you would like to consult on the Project.

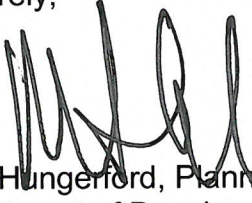
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PLANNING BUREAU

July 23, 2018

Gabrieleno Band of Mission Indians – Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393
Covina, CA 91723

Re: AB 52 Consultation: Spring Street Business Park Project

Dear Mr. Salas:

The City of Long Beach is conducting its AB 52 consultation process for the Spring Street Business Park project (Project). Please consider this letter and preliminary Project information as the initiation of the California Environmental Quality Act, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). Please respond within 30 days, pursuant to PRC 21080.3.1(d), if you would like to consult on the Project.

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Assembly Bill 52 Project Notification Responses



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians / Gabrielino Tribal Council
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

City of Long Beach
333 West Ocean Blvd 5t Floor
Long Beach, CA 90802

August 1, 2018

Re: AB52 Consultation request for Spring St. Business Park Project

Dear Mark Hungerford,

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a "no records found" for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. This is the reason the NAHC will always refer the lead agency to the respective Native American Tribe of the area because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. Therefore, to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email gabrielenoindians@yahoo.com to schedule an appointment.

** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman

Albert Perez, treasurer |

PO Box 393, Covina, CA 91723

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer ||

www.gabrielenoindians.org

Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the Council of Elders

gabrielenoindians@yahoo.com

Assembly Bill 52 Project Notification Follow-up

Vick, Jenny

From: Gabriel Barreras <Gabriel.Barreras@longbeach.gov>
Sent: Friday, March 8, 2019 4:22 PM
To: Vick, Jenny
Subject: FW: AB52 Consultation request for the Spring Street Business Park Project

Hi Jenny – I received confirmation that the tribes were consulted last year (see below). I've asked them for additional details so we can update the mitigation measures accordingly.

Thank you!

Gabriel Barreras, AICP
Senior Contract Planner

Long Beach Development Services | Planning Bureau

T [562.570.5972](tel:562.570.5972) **F** [562.570.6068](tel:562.570.6068)

333 West Ocean Blvd. 5th Fl | Long Beach, CA 90802

gabriel.barreras@longbeach.gov | www.lbds.info

From: Gabriel Barreras
Sent: Friday, March 08, 2019 4:20 PM
To: 'Administration Gabrieleno' <admin@gabrielenoindians.org>; Administration KNRM <admin@knrm-nsn.us>; Matthew Teutimez <Matthew.Teutimez@gabrielenoindians.org>
Cc: Amy Harbin <Amy.Harbin@longbeach.gov>
Subject: RE: AB52 Consultation request for the Spring Street Business Park Project

Thank you for your quick response. Yes, if you could send those measures to me via email, I'll be sure to memorialize them and have them included in the Environmental Analysis.

I've CC'd Amy Harbin, our Sr. Planner heading up CEQA issues, to keep her informed.

Have a great weekend,

Gabriel Barreras, AICP
Senior Contract Planner

Long Beach Development Services | Planning Bureau

T [562.570.5972](tel:562.570.5972) **F** [562.570.6068](tel:562.570.6068)

333 West Ocean Blvd. 5th Fl | Long Beach, CA 90802

gabriel.barreras@longbeach.gov | www.lbds.info

From: Administration Gabrieleno <admin@gabrielenoindians.org>
Sent: Thursday, March 07, 2019 9:19 PM
To: Administration KNRM <admin@knrm-nsn.us>; Gabriel Barreras <Gabriel.Barreras@longbeach.gov>; Matthew Teutimez <Matthew.Teutimez@gabrielenoindians.org>
Subject: Re: AB52 Consultation request for the Spring Street Business Park Project

Hello Mr. Barreras

Thank you for your follow up. I believe we did consult on the said project (s)

However we requested that the city please utilize our mitigation measures to our resources under AB52 section 4 (a) 21704. Would you like for us to resend those measures ? . Please respond at your earliest convenience . Thank you

On Thu, Mar 7, 2019 at 1:53 PM Gabriel Barreras <Gabriel.Barreras@longbeach.gov> wrote:

Chairman Salas – I hope you're well. I'm following with another project that you requested consultation for in August 2018. This is for the Spring Street Business Park located at [2851 Orange Avenue](#) in Long Beach, CA. I've attached the City's original notification and your response.

Since last August, the original project planner, Mark Hungerford, has taken employment elsewhere, and our former Sr. Environmental Planner, Craig Chalfant, retired in December 2018. I've been going through the documents they left me on this project, but I do not have a record of if they completed the consultation with you. **Were you able to discuss the project with them?**

The project is currently going through its initial environmental review (Initial Study) and is expected to be completed and circulated for the public in April or May. Based on early findings, we're anticipating that this project will require a Mitigated Negative Declaration (MND).

For this project, we will be applying the mitigation and monitoring measures below. I apologize if this email is redundant if you've already spoken with Craig or Mark regarding the project.

Mitigation Measure TCR-1: Native American Monitoring

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

Mitigation Measure TCR-2: Recovery Procedures

All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and Native American monitor. If the resources are Native American in origin, the tribe shall coordinate with the landowner regarding treatment and curation of these resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections

21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be 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.

Thank you for your time, and I look forward to speaking with you.

Sincerely,

Gabriel Barreras, AICP

Senior Contract Planner

Long Beach Development Services | Planning Bureau

T [562.570.5972](tel:562.570.5972) F [562.570.6068](tel:562.570.6068)

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gabriel.barreras@longbeach.gov | www.lbds.info

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



Attachments area

**Assembly Bill 52 Project Notification Additional
Correspondence**



Gabrieleno Band of Mission Indians – Kizh Nation

Protection of Tribal Cultural Resources (TCRs)

Most Important Things for Agencies to Know About AB52:

- An EIR, MND, or ND can not be certified until AB-52 tribal consultation has concluded.
- Agreed mitigation measures with the tribe, **MUST** be recommended for inclusion in the environmental document.
- Signature confirming acceptance of these mitigation measures recommended by our Tribal Government is required within 14 days of receipt to conclude AB52 consultation.

Tribal Cultural Resources Mitigation Measures within Kizh Nation Tribal Territory:

Note: To avoid compliance issues with the following laws, all Native American Monitoring shall be conducted by a documented lineal descendant from the ancestral Tribe of the project area (NAGPRA Law 10.14)

- The Native American Graves Protection and Repatriation Act (NAGPRA), Public Law-101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.
- CEQA Guidelines Section 15064.5, PRC 5097.98 (d)(1).
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

If you are receiving these measures, The Gabrieleno Band of Mission Indians Kizh -Nation are the direct lineal descendants of your project area. The Kizh Nation ONLY responds and consults on projects within their ANCESTRAL tribal territory. Therefore, to remain in compliance with above referenced laws and to enable our Tribe with the ability to protect and preserve our last remaining and irreplaceable Tribal Cultural Resources, it is recommended that the project applicant retain a qualified professional tribal monitor/consultant from the Gabrieleno Band of Mission Indians Kizh -Nation. The Kizh Nation possesses Tribal archives including documented historical information as well as multiple members who possess unique knowledge derived from oral tradition passed down through generations of the Tribe in order to provide the expertise needed to identify whether a project is located within a culturally sensitive area given its proximity to village areas, commerce areas, recreation areas, ceremonial areas, and burial locations.

Native American Heritage Commission (NAHC) Guidelines for Native American Monitors/Consultants

(approved 9/13/05): By acting as a liaison between Native American, archaeologist, developers, contactors and public agency, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extent of knowledge that should be expected.

Mitigation Guidelines for Tribal Cultural Resources (TCRs): CEQA now defines TCRs as an independent element separate from archaeological resources. Environmental documents shall address a separate Tribal Cultural Resources section that includes a thorough analysis of the impacts to only TCRs and includes separate and independent mitigation measures created with tribal input under AB-52 consultations. Therefore, all agreements, mitigation, and conditions of approval regarding TCRs shall be handled solely with the Tribal Government and conversely all agreements, mitigation, and conditions of approval regarding Archaeological Resources shall be handled by an Archaeological resource company.



MITIGATION MEASURES

Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the 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 area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the 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.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. 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 reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:

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



Resource Assessment & Continuation of Work Protocol:

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

Kizh-Gabrieleno Procedures for burials and funerary remains:

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

Treatment Measures:

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

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



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

Acceptance of Tribal Government Recommended Mitigation Measures:

By _____
Lead Agency Representative Signature

Date: _____

Revised: August 2018



Attachment A

Kizh Nation Ancestral Tribal Territory extended along the coast from Malibu Creek in Los Angeles County down to Aliso Creek in Orange County and encompassed the Channel Islands of Catalina (Pimugna), San Nicolas (Haraasnga), and San Clemente (Kiinkenga). Our inland border was the San Gabriel Mountains (Hidakupa) and eastwardly our territory extended to parts of San Bernardino (Waatsngna), Orange, and Riverside counties.

