SECTION 3.15
Tribal Cultural Resources

3.15.1 Introduction

This section evaluates the potential for the proposed program to result in adverse tribal cultural resources impacts. The analysis is based on a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC) and consultation with California Native American Tribes. This section identifies the potential for both program-level and cumulative environmental impacts to occur, as well as feasible mitigation measures that would minimize or avoid the proposed program's impacts on tribal cultural resources.

Information sources for the analysis presented in this section include the following:

Native American Heritage Commission Sacred Lands File Search (Quinn, 2019)

Staff Report: Coastal Development Permit for the Los Cerritos Wetland Oil Consolidation and Restoration Project (California Coastal Commission [CCC], 2018)

All information sources used are included as citations within the text; sources are listed in Section 3.15.7, *References*.

3.15.2 Environmental Setting

3.15.2.1 Tribal Cultural Resources Definition

Tribal cultural resources, as defined in Public Resources Code (PRC) Section 21074, include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

3.15.2.2 Ethnographic Setting

The program area is located in a region traditionally occupied by the Gabrielino and Juaneño. Each group is described below.

Gabrielino

The term "Gabrielino" is a general term that refers to those Native Americans who were sent by the Spanish to the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included: the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina (Bean and Smith, 1978). Their neighbors included the Chumash and Tataviam to the north, the Juañeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence (Bean and Smith, 1978). The Gabrielino language was part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino Indians were hunter-gatherers and lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game was hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison (Bean and Smith, 1978). The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay or holly-leafed cherry. Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period (Kroeber, 1925).

The Late Prehistoric period, spanning from approximately 1,500 years B.P. to the mission era, is the period associated with the florescence of the Gabrielino (Wallace, 1955). Coming ashore near Malibu Lagoon or Mugu Lagoon in October of 1542, Juan Rodriguez Cabrillo was the first European to make contact with the Gabrielino Indians.

Maps produced by early explorers indicate that at least 26 Gabrielino villages were within proximity to known Los Angeles River courses, while an additional 18 villages were reasonably close to the river (Gumprecht, 2001). The closest village to the program area was the village of *Puvungna*, located approximately 0.75 miles north of the program area (McCawley, 1996). The Kirkman-Harriman Pictorial and Historical Map of Los Angeles County (Los Angeles Public Library, 1938) depicts two unnamed villages located approximately 2 miles northwest and 5 miles southeast of the program area.

Puvungna is reported to be the birthplace of *Chingichngish*, the primary deity of a protohistoric and early historic belief system and ceremonial complex that spread throughout the Los Angeles basin, Orange County, western Riverside County, and northern San Diego County. Most ethnohistoric data suggest that the main village of *Puvungna* was located on Alamitos Mesa at Bixby Ranch. However, as villages often covered large areas and could move to meet changing needs, *Puvungna* may refer to the entire rim of Alamitos Bay (Cleland et al., 2007).

Juañeno

The Juaneño spoke a language belonging to the Cupan group of the Takic subfamily of the Uto-Aztecan language family. The Juaneño people were so called because of their association with Mission San Juan Capistrano, although some contemporary Juaneño identify themselves by the indigenous term *Acjachemen*. The Juaneño were linguistically and culturally related to the neighboring Luiseño (with whom they are often grouped; see Bean and Shipek, 1978), Cahuilla, and Cupeño. Juaneño territory extended from just above Aliso Creek in the north to San Onofre Canyon in the south and inland from the Pacific Ocean to Santiago Peak and the ridges above Lake Elsinore (Bean and Shipek, 1978).

The Juaneño lived in sedentary autonomous villages located in diverse ecological zones. Each settlement claimed specific fishing and collecting regions. Typically, villages were located in valley bottoms, along coastal strands and streams, and near mountain foothills. Villages were usually sheltered in coves or canyons, on the side of slopes near water and in good defensive spots. There are no reported ethnographic Juaneño villages in the vicinity of the program area; the closest village sites are more than 20 miles south of the program area (O'Neil and Evans, 1980).

Trails, hunting sites, temporary hunting camps, quarry sites, and ceremonial and gaming locations were communally owned, while houses, gardens, tools, ritual equipment, and ornamentation were owned by individuals or families. Most groups had fishing and gathering sites along the coast that they visited annually from January to March when inland supplies were scarce. October to November was acorn-gathering time, when most of the village would settle in the mountain oak groves. Houses were conical in form, partially subterranean, covered with thatch, reeds, brush, or bark. Sweathouses were round and earth covered. Each village was enclosed with a circular fence and had a communal ceremonial structure at the center (Bean and Shipek, 1978).

3.15.2.3 Identification of Tribal Cultural Resources

Sacred Lands File Search

The NAHC maintains a confidential file which contains sites of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on March 12, 2019, to request a search of the SLF. The NAHC responded to the request in a letter dated March 21, 2019, indicating that the SLF search was positive. The letter did not provide details on the resource(s) identified, but recommended that Native American groups be contacted for additional information regarding the resource(s). LCWA conducted tribal consultation pursuant to AB 52, the results of which are described below.

AB 52 Consultation

On June 17, 2019, LCWA notified the designated contact of, or a tribal representative of, a total of 26 California Native American Tribes pursuant to PRC Section 21080.3.1 inviting them to engage in government-to-government consultation with LCWA regarding the proposed program.

Letters were sent via email and included a description of the proposed program, a map depicting the program area, and contact information for LCWA. Recipients were requested to respond within

30 days of receipt of the letter if they wished to engage in consultation. **Table 3.15-1**, *California Native American Tribes Notified Pursuant to AB 52*, lists the Tribes, contacts, and responses.

TABLE 3.15-1
CALIFORNIA NATIVE AMERICAN TRIBES NOTIFIED PURSUANT TO AB 52

Tribe	Contact	Title	Response
Agua Caliente Band of Cahuilla Indians	Garcia-Plotkin, Patricia	Director	Declined consultation on 06/26/19
Fernandeño Tataviam Band of Mission Indians	Ortega, Rudy Jr.	—	Declined consultation on 06/18/19
Gabrieleño Band of Mission Indians - Kizh Nation	Salas, Andrew	Chairperson	Requested consultation on 07/11/19
Gabrielino Tongva Indians of California Tribal Council	Dorame, Robert	Chairperson	Requested consultation on 08/08/19
Gabrielino/Tongva Nation	Goad, Sandonne	Chairperson	No response
Gabrieleno-Tongva San Gabriel Band of Mission Indians	Morales, Anthony	Chairperson	Requested consultation on 07/10/19
Gabrielino-Tongva Tribe	Candelaria, Linda	Chairperson	Requested consultation on 07/15/19
Juañeno Band of Mission Indians	Johnston, Sonia	Chairperson	Requested consultation on 06/20/19
Juañeno Band of Mission Indians Acjachemen Nation	Belardes, Matias	Chairperson	Requested consultation on 06/20/19
Kern Valley Indian Community	Robinson, Robert	—	No response
Kitanemuk & Yowlumne Tejon Indians	Dominguez, Delia	—	No response
LA City/County Native American Indian Commission	Andrade, Ron	—	No response
Pala Band of Mission Indians	Gaughen, Shasta	Tribal Historic Preservation Officer	Declined consultation on 06/25/19
Pauma Band of Luiseño Indians	Aguilar, Temet	Chairperson	No response
Pechanga Band of Luiseño Indians	Macarro, Mark	Chairperson	No response
Rincon Band of Luiseño Indians	Mazzetti, Bo	Chairperson	No response
San Fernando Band of Mission Indians	Yocum, Donna	Chairperson	No response
San Luis Rey Band of Mission Indians	Tribal Council	—	No response
San Manuel Band of Mission Indians	Clauss, Lee	—	Declined consultation on 06/20/19
Santa Ynez Band of Chumash Indians	Kahn, Kenneth A.	Chairperson	Declined consultation on 06/17/19
Soboba Band of Luiseño Indians	Cozart, Scott	Chairperson	Declined consultation on 07/08/19
Ti'At Society/Inter-Tribal Council of Pimu	Alvitre, Cindi	—	No response
Tongva Ancestral Territorial Tribal Nation	Rosas, Johntommy	—	No response
Tubatulabals of Kern Valley	Gomez, Robert Jr.	Chairperson	No response
Twenty-Nine Palms Band of Mission Indians	Darrell, Mike	Chairperson	No response
Viejas Band of Mission Indians of the Viejas Reservation	Welch, Robert Jr.	Chairperson	No response

Six of the California Native American Tribes who were notified requested consultation. **Table 3.15-2**, *Summary of Tribes Consulted*, identifies the tribes who requested consultation and the dates consultation meetings were held, and provides a brief summary of the meetings. Confidential information has been withheld in accordance with PRC Code Section 21082.3(c) and consistent with subdivision (r) of Section 6254 of, and Section 6254.10 of, the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations. No tribal cultural resources as defined in PRC Section 21074 were identified within the program area as a result of consultation.

TABLE 3.15-2
SUMMARY OF TRIBES CONSULTED

Tribe and Representative Attending Meeting	Meeting Date	Meeting Summary	Notes
Gabrieleño Band of Mission Indians – Kizh Nation (Andrew Salas)	08/28/19	No tribal cultural resources identified. The Tribe expressed that that they would like the wetlands to be preserved and protected and that even artifacts that lack context (are not in-situ) have value to the Tribe. The Tribe requested input on the proposed program's ecological design, to review the cultural resources and tribal cultural resources sections of the PEIR to ensure confidential information is not disclosed, and to remain informed of the proposed program.	Additional information requested by the Tribe during the consultation meeting was sent via email on 09/03/19.
Gabrielino Tongva Indians of California Tribal Council (Robert Dorame)	08/15/19	No tribal cultural resources identified. The Tribe expressed concerns about potential impacts to human remains, archaeological resources (village sites), and biological resources. The Tribe requested to participate in surveys and monitoring, and in selection of plants/native plants. The Tribe asked that the land be treated with dignity and respect, and to remain informed of the proposed program.	—
Gabrieleno-Tongva San Gabriel Band of Mission Indians (Julia Bogany)	07/29/19	No tribal cultural resources identified. The Tribe asked about trails and interpretive signage. The Tribe expressed that it is our responsibility to communicate the history and cultural connection of the program area for generations to come. The Tribe expressed support for the restoration. The Tribe asked to remain informed of the proposed program.	LCWA indicated Tribe would be contacted during creation of content for signage.
Gabrielino-Tongva Tribe (Sam Dunlap)	07/29/19	No tribal cultural resources identified. The Tribe provided background information about the Tribe. The Tribe discussed *Puvungna*. The Tribe expressed that the program area is important to many peoples. The Tribe expressed support for restoration goals. The Tribe asked about Native American monitoring, depth of excavations, and length of proposed program.	A follow-up email was received on 09/16/19 asking to make sure that the Tribe's comments and concerns were fully documented to include their specific concerns about tribal cultural resources in the program area. Additional information was sent to the Tribe on 09/17/19 regarding cultural resources in the program area and vicinity and offering to answer any questions. On 09/27/19, the Tribe requested an additional meeting, which took place on 10/11/19.
	10/11/19	No tribal cultural resources identified. The Tribe provided additional background information about the Tribe. The Tribe expressed concerns about encountering human remains and indicated that it's better to leave burials alone and not do any unnecessary testing. The Tribe expressed interest in providing Native American monitoring.	

TABLE 3.15-2
SUMMARY OF TRIBES CONSULTED

Tribe and Representative Attending Meeting	Meeting Date	Meeting Summary	Notes
Juañeno Band of Mission Indians, Acjachemen Nation – Romero (N/A)	N/A	Several attempts were made via email and phone to schedule a meeting, but no responses were received.	Date emails sent: 07/08/19 07/15/19 07/29/19 08/14/19 08/22/19 Date phone calls placed: 08/14/19 08/22/19
Juañeno Band of Mission Indians, Acjachemen Nation – Belardes (Joyce Perry)	08/26/19	No tribal cultural resources identified. The Tribe provided background information on the Juañeno and ethnographic accounts. The Tribe requested Native American and archaeological monitoring of ground disturbance and to remain informed of the proposed program.	Additional information requested by the Tribe during the consultation meeting was sent via email on 09/04/19 and 09/13/19.

California Native American Tribes who consulted with LCWA pursuant to AB 52 generally indicated that the program area is culturally sensitive and important, and expressed support for the restoration of the wetlands. Tribal members specifically made the following requests to mitigate potential impacts to resources important to the Native American community and LCWA has incorporated this input into mitigation measures outlined in Section 3.4, *Cultural Resources*:

Input on the proposed program's ecological design and the selection of plants/native plants (see Mitigation Measure CUL-16)

Remaining informed of the proposed program as it progresses (see Mitigation Measures CUL-12 and CUL-16)

Participation in surveys (see Mitigation Measure CUL-12)

Native American monitoring (see Mitigation Measure CUL-13)

Communicating the history and cultural connection of the program area for generations to come (see Mitigation Measure CUL-16)

Tribal Cultural Landscape

In 2018, the CCC conducted consultation with the Gabrieleño Band of Mission Indians - Kizh Nation (Kizh Nation), Gabrieleno-Tongva San Gabriel Band of Mission Indians (Gabrieleno-Tongva), and a member of the Acjachemen Tribe. Consultation was conducted in support of a Coastal Development Permit for the Los Cerritos Wetland Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083), whose boundary includes the entirety of the North Area (North and South Synergy Oil Field sites), Long Beach City Property site, and Pumpkin Patch site[1], which are all within the program area. The CCC report states that representatives of the Kizh Nation "described the tribe's view that the Los Cerritos Wetlands area

[1] Only the eastern portion of the Pumpkin Patch site is within the program area.

is a sacred land, just as all land, water and animals are sacred" (CCC, 2018: 125). The CCC report also states that representatives of the Gabrieleno-Tongva and Acjachemen Tribe "described the project site as Sacred Lands that are part of a larger area of connected tribal sites that constitute a Tribal Cultural Landscape that may eligible for listing by the National Register as a Tribal Cultural Property" and that "this Tribal Cultural Landscape includes several significant tribal sites and resources in close proximity to the project site, including the site of *Puvungna*, Rancho Los Alamitos (Long Beach Area), and the Hellman Ranch property" (CCC, 2018: 125). During AB 52 consultation conducted as part of the proposed program, some tribal members expressed that they agree that there is a Tribal Cultural Landscape present. The following discussion of the tribal cultural landscape is summarized from the Coastal Development Permit (CCC, 2018). It should be noted that the tribal cultural landscape was not and has not since been formally documented or evaluated for listing in the National Register or California Register.

Tribal representatives described the Los Cerritos Wetlands and its surroundings as sacred lands that encompass a larger area of connected tribal sites. Tribal representatives indicated that the Hellman Ranch area was an extension of *Puvungna* and was connected to a network of villages surrounding the area. They noted that during development of the Hellman Ranch property in the 2000s, approximately 35 prehistoric burials and numerous artifacts were discovered. Tribes believe these resources to be associated with a Gabrieleno-Tongva settlement in Seal Beach, known as *Motuucheyngna* (sometimes referred to as *Puvungna East*). Since the Los Cerritos Wetlands are located in between *Puvungna* and *Motuucheyngna*, the wetlands are thus considered by tribes to be part of the larger cultural landscape of *Puvungna* and the surrounding villages.

In addition to being culturally connected, the wetlands and surrounding area are connected biologically. These connections occur through the waterways and the plants and animals present. All the tribal members that were part of the CCC's consultation effort agreed that these biological resources are sacred to tribal people as an integral component of tribal resources.

Prehistoric Archaeological Resources

A records search conducted at the SCCIC on May 15, 2019 by ESA staff resulted in the identification of 12 prehistoric archaeological resources within or immediately adjacent to (within 150 feet of) the program area (**Table 3.15-3**, *Prehistoric Archaeological Resources with or Adjacent to the Program Area*). These resources consist of shell middens and shell scatters. Only two resources (CA-ORA-261 and -262) have been previously evaluated as eligible for listing in the California Register. The remaining 10 resources have not been evaluated.

A reconnaissance-level site visit of the program area was conducted on June 13, 2019 by ESA archaeologist Candace Ehringer, M.A., RPA. During the site visit, staff documented the general cultural resources context and noted key features and resources that might warrant discussion in the existing conditions context of the PEIR. No resources were formally documented during the survey, but resources were noted on field maps, photographed, and assigned temporary field designations for ease of reference. Previously recorded resources were not visually inspected during the site visit. No prehistoric archaeological resources were noted, but a systematic survey was not conducted at the time.

TABLE 3.15-3
PREHISTORIC ARCHAEOLOGICAL RESOURCES WITHIN OR ADJACENT TO THE PROGRAM AREA

Primary Number (P-)	Permanent Trinomial (CA-)	Description	Eligibility Status	Site
30-000256	ORA-000256	Prehistoric archaeological site: shell midden	Not evaluated	South LCWA
30-000257	ORA-000257	Prehistoric archaeological site: shell midden	Not evaluated	Adj. South LCWA
30-000258	ORA-000258	Prehistoric archaeological site: shell midden	Not evaluated	Adj. South LCWA
30-000259	ORA-000259	Prehistoric archaeological site: shell midden	Not evaluated	Adj. South LCWA
30-000261	ORA-000261	Prehistoric archaeological site: shell midden	Eligible for CR	South LCWA
30-000262	ORA-000262	Prehistoric archaeological site: shell midden	Eligible for CR	Adj. South LCWA
30-000850	ORA-000850	Prehistoric archaeological site: shell midden	Not evaluated	Adj. Hellman Retained
30-000851	ORA-000851	Prehistoric archaeological site: shell midden	Not evaluated	Hellman Retained
30-001473	ORA-001473	Prehistoric archaeological site: shell midden	Not evaluated	South LCWA
30-001542	ORA-001542/H	Multicomponent archaeological site: prehistoric shell scatter and historic-period refuse scatter	Not evaluated	Adj. Los Alamitos Retarding Basin
30-001544	ORA-001544	Prehistoric archaeological site: shell scatter	Not evaluated	Adj. Los Alamitos Retarding Basin
19-001821	LAN-001821	Prehistoric archaeological site: shell midden	Not evaluated	Long Beach City Property

SOURCE: SCCIC, 2019.

3.15.3 Regulatory Framework

3.15.3.1 State

Assembly Bill 52 and Related Public Resources Code Sections

Assembly Bill (AB) 52 was approved by California State Governor Edmund Gerry "Jerry" Brown, Jr. on September 25, 2014. The act amended California PRC Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under CEQA, known as tribal cultural resources. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe" that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources update to Appendix G of the *CEQA Guidelines*, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency's formal notification and the lead agency must begin consultation within 30 days of receiving the tribe's request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project's impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND (PRC Section 21082.3(d)(2) and (3)).

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

California Government Code Sections 6254(r) and 6254.10

These sections of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency."

3.15.4 Significance Thresholds and Methodology

3.15.4.1 Significance Thresholds

For the purposes of this Program Environmental Impact Report (PEIR) and consistency with Appendix G of the *CEQA Guidelines*, the proposed program would have a significant impact on tribal cultural resources if it would:

Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

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

3.15.4.2 Methodology

According to the PRC Section 21084.2, a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. While what constitutes a "substantial adverse change" to a tribal cultural resource is not defined in the section, guidance on what constitutes a substantial adverse change under CEQA can be drawn from *CEQA Guidelines* Section 15064.5(b). Although applicable specifically to historical resources (as defined in Section 15064.5(a)), an analogy can be drawn when assessing if there has been a substantial adverse change to a tribal cultural resource. *CEQA Guidelines* Section 15064.5(b)(1) defines a substantial adverse change as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings, resulting in material impairment of the historical resource. According to *CEQA Guidelines* Section 15064.5(b)(2), the significance of a historical resource is materially impaired when a project:

> Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
>
> Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
>
> Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

In drawing an analogy, a substantial adverse change to a tribal cultural resource could be considered to be the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings, resulting in material impairment of the tribal cultural resource. Similarly, material impairment could include:

> Demolition or material alteration in an adverse manner to those characteristics of a tribal cultural resource that convey its significance and that justify its inclusion in or eligibility for listing in the California Register, or in a local register of historical resources as defined in PRC section 5020.1(k); or
>
> Demolition or material alteration in an adverse manner to those characteristics of a tribal cultural resource that convey its significance and that justify its eligibility for inclusion in the California Register pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1, as determined by a lead agency in its discretion and supported by substantial evidence for purposes of CEQA.

PRC Section 21084.3 provides guidance on addressing impacts to tribal cultural resources and states that:

(a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

(b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

  (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

  (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

    (A) Protecting the cultural character and integrity of the resource.

    (B) Protecting the traditional use of the resource.

    (C) Protecting the confidentiality of the resource.

  (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

  (4) Protecting the resource.

CEQA Guidelines Section 15370 provides additional guidance on the types of mitigation that may be considered, and includes: avoiding impacts altogether; minimizing impacts; rectifying impacts through repair, rehabilitation, or restoration; reducing impacts through preservation; and compensating for impacts by providing substitute resources.

PRC Section 21082.3(b) indicates that if a project may have a significant impact on a tribal cultural resource, the agency's environmental document shall discuss whether the proposed project has a significant impact on an identified tribal cultural resource and whether feasible

alternatives or mitigation measures avoid or substantially lessen the impact on the identified tribal cultural resource.

PRC Section 21080.3.2 indicates that as part of the consultation pursuant to Section 21080.3.1, California Native American Tribes may propose mitigation measures, including, but not limited to, those recommended in Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. Also, the lead agency may incorporate changes or additions to a project even if not legally required to do so.

As stated in Chapter 1, *Introduction*, on March 8, 2019, the Los Cerritos Wetlands Authority sent a Notice of Preparation to responsible, trustee, and federal agencies, as well as to organizations, and individuals potentially interested in the proposed program to identify the relevant environmental issues that should be addressed in the PEIR. Issues related to tribal cultural resources were identified.

3.15.5 Program Impacts and Mitigation Measures

Impact TRI-1: The proposed program would result in a significant impact if the proposed program would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

Construction

The Los Cerritos Wetlands were identified as part of a tribal cultural landscape by some tribal representatives during consultation with the CCC that occurred in connection with the Los Cerritos Wetland Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083) (CCC, 2018). This tribal cultural landscape has not been formally documented, geographically defined, nor has it been evaluated for listing in the California Register or for listing in a local register of historical resources. As such, no impacts would occur.

Operation

The Los Cerritos Wetlands were identified as part of a tribal cultural landscape by some tribal representatives during consultation with the CCC that occurred in connection with the Los Cerritos Wetland Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083) (CCC, 2018). This tribal cultural landscape has not been formally documented, geographically defined, nor has it been evaluated for listing in the California Register or for listing in a local register of historical resources. As such, no impacts would occur.

Mitigation Measure

No mitigation is required.

Significance after Mitigation

Less than Significant

Impact TRI-2: The proposed program would result in a significant impact if the proposed program would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Construction

The Los Cerritos Wetlands is part of a tribal cultural landscape identified by some tribal representatives during consultation with the CCC on the Los Cerritos Wetland Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083). Based on the information provided in the CCC Staff Report for the Coastal Development Permit for the Los Cerritos Wetland Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083) (CCC, 2018), the tribal cultural landscape appears to be a cultural landscape with cultural value to some California Native American Tribes. Therefore, LCWA has determined, in its discretion and as supported by substantial evidence presented in the CCC Staff Report, that the tribal cultural landscape is significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 for the purposes of this PEIR. LCWA has considered the significance of the resource to California Native American Tribes in making this discretionary determination. As discussed in Section 3.4, *Cultural Resources*, the tribal cultural landscape includes the village sites of *Puvungna* and *Motuucheyngna* (represented by prehistoric archaeological sites in the California State University – Long Beach and the Hellman Ranch areas, respectively), Native American or prehistoric archaeological sites within or near the Los Cerritos Wetlands, as well as the waterways, plants, and animals that are present in the area

Actions that have the potential to result in a substantial adverse change in the significance of a tribal cultural resource include:

> Demolition or material alteration in an adverse manner to those characteristics of the tribal cultural landscape that convey its significance and that justify its eligibility for inclusion in the California Register pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1

Potential impacts from the proposed program on the tribal cultural landscape could occur if the proposed program resulted in the demolition or material alteration to the essential physical characteristics that convey its significance, such as the village sites of *Puvungna* and *Motuucheyngna*, Native American or prehistoric archaeological sites within or near the Los Cerritos Wetlands, waterways, plants, or animals.

With regards to potential impacts to *Puvungna* and *Motuucheyngna*, the archaeological manifestations of these two village sites that contribute to the landscape's significance would not be impacted. *Puvungna* is located about 0.75 miles to the north of the proposed program area, in the area of California State University – Long Beach and its vicinity. *Motuucheyngna* is on a portion of the former Hellman Ranch property that has since been developed as a residential subdivision. No impacts to the archaeological sites associated with these two villages are anticipated as a result of the proposed program.

With regards to potential impacts to other Native American or prehistoric archaeological sites within the Los Cerritos Wetlands, there are 12 prehistoric archaeological sites within or immediately adjacent to (within 150 feet of) the program area. These include five archaeological sites that are within or partially overlap the program boundary (CA-LAN-1821 and CA-ORA-256, -261, -851, and -1473). Of these five sites, only one site (CA-LAN-1821) is entirely within the program area. The remaining sites are on the fringes of the program boundary and some appear to only slightly overlap with the program area. There are also seven archaeological sites that are within 150 feet of the program boundary (CA-ORA-257, -258, -259, -262, -850, -1542, and -1544). Of the 12 prehistoric sites, only two (CA-ORA-261 and-262) have been previously evaluated as eligible for listing in the California Register, and as such they would likely contribute to the significance of the landscape, however, these sites were reportedly destroyed by construction of Heron Pointe. The remaining sites have not been subject to formal evaluations, but they are considered potential contributors to the significance of the landscape.[2] In addition, there could be as yet unidentified prehistoric archaeological sites on the surface or subsurface within the program area that could contribute to the significance of the landscape. Therefore, the proposed program could result in the demolition or material alteration to Native American or prehistoric archaeological sites within the Los Cerritos Wetlands that convey the significance of the tribal cultural landscape. Implementation of Mitigation Measures CUL-1 and CUL-4 through CUL-15 would lessen the impact to archaeological resources that contribute to the significance of the tribal cultural landscape:

> Mitigation Measures CUL-1, CUL-4 through CUL-6, and CUL-8 require that qualified cultural resources personnel conduct future project-specific studies to identify archaeological resources and develop appropriate treatment for resources that contribute to the significance of the tribal cultural landscape.
>
> Mitigation Measure CUL-7 requires consideration of avoidance and preservation in place of archaeological resources, including those that contribute to the landscape's significance, to ensure that destructive treatment measures are a last resort.
>
> Mitigation Measures CUL-9 through CUL-11, CUL-14, and CUL-15 require establishment of a plan and procedures for avoidance and discoveries measures during construction, training construction personnel on the significance of the area and procedures to follow in the event of discoveries, monitoring of ground disturbance by archaeologists, and proper curation/disposition of recovered archaeological materials. These measures would ensure the protection, identification, and appropriate handling and treatment of archaeological resources that contribute to the landscape's significance.

[2] As noted in Section 3.4, *Cultural Resources*, of this PEIR, sites CA-ORA-256, -257, -258, and -259 were impacted by modern development, although remnants of the sites may still be present.

Mitigation Measures CUL-12 and CUL-13 require that LCWA consult with Native American representatives during the preparation of all cultural resources-related documents and that Native American groups are included in monitoring of ground disturbance. These measures would ensure that tribal values are considered in identification, evaluation, and treatment of archaeological resources that contribute to the landscape's significance.

Even with implementation of these measures, the destruction or material alteration of an archaeological resource that contributes to the landscape's significance would constitute a substantial adverse change since it would no longer be present on the landscape. Since avoidance and preservation in place of such resources cannot be guaranteed, impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape are considered significant and unavoidable at the program level.

With regards to potential impacts to the waterways, plants, and animals, the purpose of the proposed program is to restore the natural waterways and habitat of the Los Cerritos Wetlands. These actions would have a beneficial effect on the waterways, plants, and animals. As noted in Chapter 2, *Project Description*, of this PEIR, the proposed program would restore the tidal wetland process by providing a more natural connection between the wetlands and surrounding water sources. This would increase estuarine habitat with a mix of tidal channels, mudflat, salt marsh, and brackish/ freshwater marsh and ponds. The existing waterways within the wetlands are human-made and not natural, with the exception of Steamshovel Slough, and do not resemble the historical or pre-contact appearance of the Los Cerritos Wetlands. The proposed program would develop channels that resemble more natural waterways, such as the meandering channels to be excavated off of the Hellman Channel, and would breach the San Gabriel levee. This would result in a more natural tidal influence between the saltwater/freshwater sources and the wetlands. As discussed in Section 3.3, *Biological Resources*, the result would be a net increase in jurisdictional wetlands.

Also as noted in Chapter 2, *Project Description*, of this PEIR, the proposed program would restore and maintain native habitat and maximize wildlife corridors. As discussed in Section 3.3, *Biological Resources*, the creation of suitable habitat would have a net benefit on several special-status species (e.g., monarch butterfly, estuary sea-blite, black skimmer, California least tern, and others). Historically the wetlands provided natural resources to surrounding Native American village sites. The plants, animals, fish, and shellfish once present within the wetlands were gathered, hunted, and fished to provide sustenance, tools, ceremonial objects, and other materials for native populations. Restoration of native habitat would attract wildlife back to the area and would allow for a variety of species to again flourish within the wetlands, creating an ecosystem more closely resembling the one that existed historically and in pre-contact times.

The proposed program also includes several mitigation measures that would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape. Mitigation Measures BIO-1 through BIO-9 in Section 3.3, *Biological Resources*, would require: avoidance of special-status plants or restoration of affected special-status plants; environmental awareness training for construction personnel and biological monitoring; restoration of affected breeding habitat for the Belding's savannah sparrow, nesting bird and raptor avoidance; pre-construction surveys for burrowing owl and creation of a management plan

to minimize or avoid impacts to burrowing owls; pre-construction surveys for bat roosting habitat and creation of an exclusion plan to minimize or avoid impacts to breeding bats; focused surveys for special-status wildlife species and creation of an avoidance plan to minimize or avoid impacts to occupied habitat; and revegetation of sensitive natural communities. Implementation of these measures would ensure that any potential construction-related impacts to plants and animals are less than significant.

Potential impacts to the tribal cultural landscape would be further reduced by considering Native American tribal values ascribed to the Los Cerritos Wetlands throughout the course of development and construction of the proposed program. Mitigation Measure CUL-16, presented in Section 3.4, *Cultural Resources*, would require that LCWA seek input from California Native American Tribes regarding development of project-level designs, planting selections/palettes, and educational/interpretive signage. This would ensure that tribal values ascribed to the Los Cerritos Wetlands as part of the tribal cultural landscape are considered as part of the design, restoration, and educational elements of the proposed program. Also, as part of its future obligations pursuant to AB 52, LCWA will continue to consult with California Native American Tribes and seek their input on project-level CEQA documents in accordance with applicable PRC sections.

In summary, some of the essential physical features of the tribal cultural landscape would not be impacted (village sites of *Puvungna* and *Motuucheyngna*), or could be enhanced by the restoration elements of the proposed program (jurisdictional wetlands, plant and animal habitats). However, since the proposed program includes ground disturbing activities that have the potential to result in a substantial adverse change to Native American or prehistoric archaeological resources within the Los Cerritos Wetlands and since these types of resources contribute to the significance of the tribal cultural landscape, the proposed program could materially impair the landscape's ability to convey its significance even with the implementation of mitigation. Therefore, impacts to tribal cultural resources would be significant and unavoidable at the program level.

Operation

Operation of the proposed program would include ongoing inspection and maintenance of the perimeter levees and berms, flood walls and water-control structures; removal of non-native vegetation in restored habitat and stormwater management features; trash removal within the restored wetlands; and operation of the visitor center and associated parking lot. Operation of the proposed program would include increased public access to the program area, and could potentially result in the vandalism of or disturbances to potential tribal cultural resources. As discussed above, no impacts to the archaeological sites associated with *Puvungna* and *Motuucheyngna* are anticipated as a result of the proposed program. Any ground disturbance associated with operational activities would occur within soils that have already been subject to ground disturbance and archaeological/Native American monitoring, and they are unlikely to unearth Native American or prehistoric archaeological resources associated with the landscape. As discussed in Section 3.3, *Biological Resources*, operational impacts to plants and animals would be minimal or would be lessened by implementation of Mitigation Measures BIO-1, BIO-6, and BIO-8 though BIO-11, which require restoration of affected special-status plants; preparation of a lighting plan and requiring that nighttime lighting is shielded downward to

minimize spillage onto adjacent area; preparation of a Mitigation, Maintenance and Monitoring Program to ensure successful revegetation of sensitive natural communities; and a functional assessment of the wetland areas that will be restored in the program area. Also, resulting modification to existing waterways or creation of new waterways would result in a net increase in jurisdictional wetlands, and with implementation of BIO-10, operational impacts on the wetlands would be assessed. With implementation of these mitigation measures, impacts to the tribal cultural resources from operation of the proposed program would be less than significant.

Mitigation Measures

Mitigation Measures BIO-1 through BIO-11 as provided in Section 3.3, *Biological Resources*, and Mitigation Measures CUL-1, and CUL-4 through CUL-16, as provided in Section 3.4, *Cultural Resources*.

Significance after Mitigation

Significant and Unavoidable

3.15.6 Cumulative Impacts

This analysis of cumulative impacts takes into consideration impacts on tribal cultural resources from implementation of the proposed program. The geographic area of analysis for tribal cultural resources typically covers the region within which similar types of tribal cultural resources occur. The geographic scope of analysis for tribal cultural resources encompasses the broadly defined coastal zone of Orange and Los Angeles Counties, from roughly Santa Monica in the north to Newport Beach in the south. Prehistoric groups occupying this area focused to a large degree on littoral and immediately inland areas, particularly those associated with the estuaries and marshes at the mouths of the coastal drainages. This geographic scope of analysis is appropriate for tribal cultural resources because the types of resources within this area are expected to be similar to those that occur within the program area.

3.15.6.1 Construction

Multiple projects, mostly development within urban settings, are proposed throughout the geographic scope of analysis. Cumulative impacts to tribal cultural resources could occur if any of these projects, in conjunction with the proposed program, would have impacts on resources that, when considered together, would be significant.

As described above, one tribal cultural resource was identified within the program area – a tribal cultural landscape related to the village sites of *Puvungna* and *Motuucheyngna*. Potential impacts from the proposed program on the tribal cultural landscape are considered significant and unavoidable. While some of the essential physical characteristics of the landscape (*Puvungna* and *Motuucheyngna*) would not be impacted and others (waterways, plants, and animals) would receive a beneficial effect or a less than significant impact with mitigation, some of the essential physical characteristics of the landscape (Native American or prehistoric archaeological sites

within the Los Cerritos Wetlands) could be impacted by the proposed program and there is no feasible mitigation to lessen this impact to a level of less than significant.

As discussed in Section 3.15.5, *Program Impacts and Mitigation Measures*, above, the archaeological manifestations of the two village sites that contribute to the landscape's significance, *Puvungna* and *Motuucheyngna*, would not be impacted by the proposed program. *Puvungna* is located about 0.75 miles to the north of the proposed program area, in the area of California State University, Long Beach and its vicinity. *Motuucheyngna* is on a portion of the former Hellman Ranch property that has since been developed as a residential subdivision. No impacts to the archaeological sites associated with these two villages are anticipated as a result of the proposed program.

Also as discussed in Section 3.15.5, *Program Impacts and Mitigation Measures*, above, the proposed program would either result in a beneficial effect to waterways, plants, and animals or require mitigation to lessen construction-related impacts. The proposed program would result in a net increase or benefit to jurisdictional wetlands and several special-status species. Temporary impacts resulting from construction would be mitigated to less-than-significant level by implementation of Mitigation Measures BIO-1 through BIO-9, outlined in Section 3.3, *Biological Resources*. These measures require: avoidance of special-status plants or restoration of affected special-status plants; environmental awareness training for construction personnel and biological monitoring; restoration of affected breeding habitat for the Belding's savannah sparrow, nesting bird and raptor avoidance; pre-construction surveys for burrowing owl and creation of a management plan to minimize or avoid impacts to burrowing owls; pre-construction surveys for bat roosting habitat and creation of an exclusion plan to minimize or avoid impacts to breeding bats; focused surveys for special-status wildlife species and creation of an avoidance plan to minimize or avoid impacts to occupied habitat; and revegetation of sensitive natural communities.

Potential impacts to the tribal cultural landscape would be further reduced by considering Native American tribal values ascribed to the Los Cerritos Wetlands throughout the course of development and construction of the proposed program. Mitigation Measure CUL-16 would require that LCWA seek input from California Native American Tribes regarding development of project-level designs, planting selections/palettes, and educational/interpretive signage. This would ensure that tribal values ascribed to the Los Cerritos Wetlands as part of the tribal cultural landscape are considered as part of the design, restoration, and educational elements of the program.

However, as noted in Section 3.15.5, *Program Impacts and Mitigation Measures*, above, there are known Native American or prehistoric archaeological resources within the program area that could contribute to the significance of the landscape and that may be impacted by the proposed program. Additionally, there is a potential for as yet unidentified prehistoric archaeological sites on the surface or subsurface within the program area that could contribute to the significance of the landscape and that may also be impacted by the proposed program. Implementation of Mitigation Measures CUL-1 and CUL-4 through CUL-15 would lessen the impact to archaeological resources that contribute to the significance of the tribal cultural landscape. However, even with implementation of these measures, the destruction or material alteration of a resource that contributes to the landscape would constitute a substantial adverse change since it

would no longer be present on the landscape. Since avoidance and preservation in place of such resources cannot be guaranteed, impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape are considered significant and unavoidable at the program level. Therefore, the proposed program's residual impact on the tribal cultural landscape, which has been discretionarily determined by LCWA to be a tribal cultural resource for the purposes of this PEIR, is significant and unavoidable.

The cumulative projects proposed throughout the geographic scope of this analysis also have the potential to result in a substantial adverse change in the significance of the tribal cultural landscape as some of these projects are also within or in the vicinity of the tribal cultural landscape. Past, present, and foreseeable projects have resulted in or could result in the demolition or material alteration to some aspects of the tribal cultural landscape that convey its significance. Past projects in the proposed program's vicinity, such as the construction of California State University – Long Beach, United States Veterans Administration Hospital, Rancho Los Alamitos/Bixby Hill, and Heron Pointe, resulted in the demolition or material alteration of archaeological sites associated with the villages of *Puvungna* and *Motuucheyngna*. Additionally, other past projects have encroached upon the wetlands leading to habitat degradation and loss, resulting in the material alteration of waterways, and plant habitat, and animal habitat. Future projects could also materially alter the tribal cultural landscape through the introduction of development that is incompatible with the landscape's setting or through ground disturbance within archaeological sites that contribute to the significance of the landscape. When taken together, past, present, and foreseeable projects result in a significant cumulative impact to the tribal cultural landscape.

The purpose of the proposed program is to restore the wetlands and the proposed program would result in an overall benefit to several of the essential physical characteristics of the landscape, such as the waterways, plants, and animals. Other projects have in the past resulted in greater impacts to the landscape than the proposed program, including impacts to archaeological sites associated with the villages of *Puvungna* and *Motuucheyngna*, as well as other Native American or prehistoric archaeological resources that may have contributed to the significance of the landscape, and impacts to waterways (including wetlands), plant habitat, and animal habitat. The incremental effects of the proposed program are not considered significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Therefore, the incremental contribution of the proposed program on impacts to the tribal cultural landscape as a tribal cultural resource would not be cumulatively considerable.

Mitigation Measure

Mitigation Measures BIO-1 through BIO-9 as provided in Section 3.3, *Biological Resources*, and Mitigation Measures CUL-1, and CUL-4 through CUL-16, as provided in Section 3.4, *Cultural Resources*.

Significance after Mitigation

Less than Significant with Mitigation

3.15.6.2 Operation

Operational impacts to the tribal cultural landscape would be mitigated to a less-than-significant level by implementation of BIO-1, BIO-6, and BIO-8 though BIO-11, which require restoration of affected special-status plants; preparation of a lighting plan and requiring that nighttime lighting is shielded downward to minimize spillage onto adjacent area; preparation of a Mitigation, Maintenance and Monitoring Program to ensure successful revegetation of sensitive natural communities; and a functional assessment of the wetland areas that will be restored in the program area. Therefore, cumulative impacts to tribal cultural resources during operations would not be cumulatively considerable.

Mitigation Measure

Mitigation Measures BIO-1, BIO-6, and BIO-8 through BIO-11, as provided in Section 3.3, *Biological Resources*.

Significance after Mitigation

Less than Significant with Mitigation

3.15.7 References

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