

## 4.12 TRIBAL CULTURAL RESOURCES

This section analyzes potential impacts to tribal cultural resources. The discussion is based in part on the findings of a Cultural Resources Records Search Summary performed by Historical, Environmental, Archaeological, Research Team (H.E.A.R.T.) (H.E.A.R.T., April 2010) as well as consultation with the Gabrieleno Band of Mission Indians - Kizh Nation. The cultural resources report is available for review by qualified personnel at the City's Community Development Department offices. There is no evidence to suggest the cultural/tribal cultural resource conditions have changed in the project area since the preparation of the 2010/2011 studies.

### 4.12.1 Setting

**a. Tribal Cultural Overview.** An archaeological overview of the region is provided in Section 4.4, *Cultural Resources*. Below is a tribal cultural overview of the project area. The following information about the use of the project area by Gabrielino was provided by the Gabrielino Band of Mission Indians as part of the tribal consultation conducted for the project in February 2019.

Numerous Gabrielino villages overlapped one another in the Palos Verdes Peninsula. All villages were spread out among the rolling hills of the Palos Verdes Peninsula and they utilized all the land within the peninsula for seasonal or permanent hamlets, seasonal or permanent trade depots, seasonal or permanent homesites, ceremonial and religious prayer sites, as well as burials and cremation sites of our ancestors. The Zone 2 boundaries are within the area for the village of Tovemungna and the surrounding overlapping villages.

A landscape feature in Zone 2 comprised of a plateau with adjacent canyons overlooking low ground and the ocean were heavily used for homesites, ceremony, and regular daily activities. These areas were gathering areas for human activity that occurred over thousands of years, not just a few hundred years of documented history. This unique land area was coveted for use in ceremonies and homesites; therefore, these locations have a higher probability to still contain tribal cultural artifacts.

South facing views from the project area show the ocean viewscape with Catalina and San Clemente in the distance. All islands were sacred with Catalina being a ceremonial and sacred island because it was one of the closest land masses that was inhabited that was also closest to the setting sun. Shaman on the mainland utilized these viewsapes to the islands because they were important symbols during ceremonies on the mainland.

All water sources in the project area were used by Gabrielino for life sustenance. Along these watercourses and water bodies occurred seasonal or permanent hamlets, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites of our ancestors and they were also used as trade routes for visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around these watercourses often still contain isolated burials and cremations from folks who died along these watercourses. These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried



where they died. Therefore, isolated burials are more concentrated and likely to occur in proximity to water courses, especially the major water courses used as trade routes.

**c. Records Search Results.** As discussed in Section 4.4, *Cultural Resources*, a record search performed by archaeologist Wayne Bonner of the South Central Coastal Information Center on April 15, 2010 indicated that no previously recorded prehistoric or historic archaeological or tribal cultural sites are present in the project area. Table 4.5-1 in Section 4.4 and the bulleted list following the table describe previously recorded archaeological resources in proximity to the project area.

**d. Regulatory Setting.** As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, “tribal cultural resources.” AB 52 establishes that “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” (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is:

1. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*
2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.*

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

#### **4.12.2 Impact Analysis**

**a. Methodology and Significance Thresholds.** This assessment is based on information gathered and analyzed in the cultural resources study (H.E.A.R.T., 2010) as well as information provided by the Gabrielino Band of Mission Indians as part of the AB 52 consultation for the project. The cultural resources study consists of an archival records search. As described in the *Setting*, a records search was conducted at SCCIC located on the CSU Fullerton campus.

Tribal cultural resource impacts are considered significant if the proposed project would:

- *Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 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)*

- *Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 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 2024.1*

**b. Project Impacts and Mitigation Measures.**

**Impact TCR-1 Potential development that the proposed ordinance revisions could facilitate on the undeveloped lots, which could include up to 1,000 cubic yards of grading per lot, has the potential to disturb as-yet undetected areas of tribal cultural significance. This is a Class II, less than significant with mitigation incorporated, impact.**

No previously recorded tribal cultural resources were identified in the project area during the cultural resources records search performed for the project. However, as discussed in the *Setting*, several sites of archaeological significance have been identified within ½-mile of the project area and the area has been identified as being of tribal cultural sensitivity. Specifically, the project area is located in and around a sacred village, adjacent to sacred water courses/trade routes and is within a sacred landscape for ceremonies and homesites. The likelihood of finding intact significant tribal cultural resources is low due to historic grading and development on many properties, as well as grading limitations put in place by the Portuguese Bend Community Association and the City's zoning regulations. Nevertheless, construction activity for the residential units that could be allowed under the proposed revisions to the Landslide Moratorium Ordinance would involve earthwork such as grading and trenching, which has the potential to unearth yet-to-be discovered tribal cultural resources. Therefore, although no significant tribal cultural resources are expressly known to occur in the project area, impacts to as-yet undetected tribal cultural resources would be potentially significant.

Mitigation Measures. Measure CR-1 in Section 4.4, *Cultural Resources*, would eliminate impacts to as-yet unknown tribal cultural resources through monitoring of construction activity, consultation with Native American tribes, and avoidance and of any identified significant resources.

Significance After Mitigation. With implementation of Measure CR-1 in Section 4.4, potential impacts relating to grading on individual lots of the project area to as-yet unknown tribal cultural resources would be reduced to a less than significant level through the identification and avoidance and/or cataloging of tribal cultural resources.

**c. Cumulative Impacts.** Cumulative development in the City, as described in Section 3.0, *Environmental Setting*, would have the potential to disturb areas with as-yet unknown tribal cultural resources. However, each development proposal is reviewed by the City and undergoes environmental review when it is determined that there is the potential to encounter significant resources. In the event that significant resources are discovered, impacts to such resources would be mitigated on a case-by-case basis. Thus, cultural resource impacts associated with future cumulative development would be less than significant.



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