

5. Environmental Analysis

5.17 TRIBAL CULTURAL RESOURCES

This section of the updated Draft Program Environmental Impact Report (PEIR) evaluates the potential for implementation of the General Plan update for the City of Santa Ana to impact tribal cultural resources in the city and its sphere of influence (plan area). The analysis in this section is based in part on the following information:

- *Archaeological Technical Report for the City of Santa Ana General Plan Update*, SWCA Environmental Consultants, May 2020

A complete copy of this study is in the technical appendices (Volume III, Appendix E-b). Native American consultation documentation is provided in Volume IV, Appendix L.

5.17.1 Environmental Setting

5.17.1.1 REGULATORY BACKGROUND

Federal

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal lands and Indian lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 US Code §§ 3001 et seq.) protects human remains, funerary objects, sacred objects, and items of cultural patrimony of indigenous peoples on federal lands. NAGPRA stipulates priorities for assigning ownership or control of such cultural items excavated or discovered on federal or tribal lands, or in the possession and control of an agency that has received federal funding.

NAGPRA also provides for the repatriation of human remains and associated items previously collected from federal lands and in the possession or control of a federal agency or federally funded repository. Implementing regulations are codified in 43 CFR (Code of Federal Regulations) Part 10. In addition to defining procedures for dealing with previously collected human remains and associated items, these regulations outline procedures for negotiating plans of action or comprehensive agreements for treatment of human remains and associated items encountered in intentional excavations, or inadvertent discoveries on federal or tribal lands.

National Historic Preservation Act of 1966

Enacted in 1966 and amended most recently in 2014, the National Historic Preservation Act (NHPA) instituted a multifaceted program administered by the Secretary of the Interior to encourage sound preservation policies of the nation's cultural resources at the federal, state, and local levels (54 US Code §§ 300101 et seq.). The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP),

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established the position of State Historic Preservation Officer, and provided for the designation of State Review Boards. The NHPA also set up a mechanism to certify local governments to carry out the goals of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

State

California Public Resources Code

Archaeological resources are protected pursuant to a wide variety of state policies and regulations enumerated under the California Public Resources Code (PRC). In addition, cultural resources are recognized as nonrenewable resources and therefore receive protection under the PRC and the California Environmental Quality Act (CEQA).

- **PRC Sections 5097.9 to 5097.991** provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the Native American Heritage Commission (NAHC). These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

California Health and Safety Code

The discovery of human remains is regulated by California Health and Safety Code Section 7050.5:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation until the coroner has determined that the remains are not subject to...provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...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.

Senate Bill 18

Signed into law in 2004, Senate Bill (SB) 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. Cities and counties must provide general and specific plan amendment proposals to California Native American tribes that the California NAHC has identified as having traditional lands located within the city's boundaries. If requested by the Native American tribes, the city must also conduct consultations with the tribes prior to adopting or amending their general and specific plans.

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Assembly Bill 52

The Native American Historic Resource Protection Act (AB 52) took effect July 1, 2015, and incorporates tribal consultation and analysis of impacts to tribal cultural resources (TCR) into the CEQA process. It requires TCRs to be analyzed like any other CEQA topic and establishes a consultation process for lead agencies and California tribes. Projects that require a Notice of Preparation of an EIR or Notice of Intent to adopt a ND or MND on or after July 1, 2015, are subject to AB 52. A significant impact on a TCR is considered a significant environmental impact, requiring feasible mitigation measures.

TCRs must have certain characteristics:

1. Sites, features, places, cultural landscapes (must be geographically defined), 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 Historic Resources or included in a local register of historical resources. (PRC § 21074(a)(1))
2. The lead agency, supported by substantial evidence, chooses to treat the resource as a TCR. (PRC § 21074(a)(2))

The first category requires that the TCR qualify as a historical resource according to PRC Section 5024.1. The second category gives the lead agency discretion to qualify that resource—under the conditions that it supports its determination with substantial evidence and considers the resource’s significance to a California tribe. The following is a brief outline of the process (PRC §§ 21080.3.1 to 3.3).

1. A California Native American tribe asks agencies in the geographic area with which it is traditionally and culturally affiliated to be notified about projects. Tribes must ask in writing.
2. Within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.
3. A tribe must respond within 30 days of receiving the notification if it wishes to engage in consultation.
4. The lead agency must initiate consultation within 30 days of receiving the request from the tribe.
5. Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a TCR, OR a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached.
6. Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCRs and discuss feasible alternatives or mitigation that avoid or lessen the impact.

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Regional

Southern California Association of Governments

The Southern California Association of Governments Growth Management Chapter (SCAGGMC) has instituted policies regarding the protection of cultural resources. SCAGGMC Policy No. 3.21 “encourages the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites” (SCAG 2001).

5.17.1.2 EXISTING CONDITIONS

According to available ethnographic maps, ethnographic data, and contemporary Native American input, the City of Santa Ana falls within a border area, or shared use area, between the traditional territories of the Gabrielino and the Juaneño/Acjachemen. Accordingly, both tribal groups are identified by the NAHC as culturally affiliated with the plan area, and both are discussed here.

Ethnographic Setting

Gabrielino

~~According to available ethnographic maps, the City of Santa Ana falls within the traditional territory of the Gabrielino.~~ The name Gabrielino (sometimes spelled Gabrieleno or Gabrieleño) denotes the people who were administered by the Spanish from Mission San Gabriel. By the same token, Native Americans in the sphere of influence of Mission San Fernando were historically referred to as Fernandeño. This group is now considered to be a regional dialect of the Gabrielino language, along with the Santa Catalina Island and San Nicolas Island dialects. In the post-Contact period, Mission San Gabriel included natives of the greater Los Angeles area as well as members of surrounding groups such as Kitanemuk, Serrano, and Cahuilla. There is little evidence that the people we call Gabrielino had a broad term for their group; rather, they identified themselves as an inhabitant of a specific community through the use of locational suffixes. Native words that have been suggested as labels for the broader group of Native Americans in the Los Angeles region include Tongva and Kizh, although there is evidence that these terms originally referred to local places or smaller groups of people within the larger group that we now call Gabrielino. The term Gabrielino, which combines the most commonly used group names, is used in the remainder of this study to designate native people of the Los Angeles Basin and their descendants (SWCA 2020).

Gabrielino lands encompassed the greater Los Angeles Basin and three Channel Islands: San Clemente, San Nicolas, and Santa Catalina. Their mainland territory was bounded on the north by the Chumash at Topanga Creek, the Serrano at the San Gabriel Mountains in the east, and the Juaneño on the south at Aliso Creek. The Gabrielino language, as well as that of the neighboring Juaneño/Luiseño, Tatataviam/Alliklik, and Serrano, belongs to the Takic branch of the Uto-Aztecan language family, which can be traced to the Great Basin area. The Gabrielino language consisted of two main dialects: Eastern and Western. The Western included much of the coast and the Channel Island population, and lands of the Western group encompassed much of the western Los Angeles Basin and San Fernando Valley, northward along the coast to the Palos Verdes Peninsula (SWCA 2020).

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The Gabrielino established large, permanent villages in the fertile lowlands along rivers and streams and in sheltered areas along the coast, from the foothills of the San Gabriel Mountains to the Pacific Ocean. A total tribal population of at least 5,000 has been estimated, but recent ethnohistoric work suggests that a number approaching 10,000 seems more likely. Several Gabrielino villages appear to have served as trade centers, due in large part to their centralized geographic position in relation to the southern Channel Islands and to other tribes. These villages maintained particularly large populations and hosted annual trade fairs that would bring their population to 1,000 or more for the duration of the event (SWCA 2020).

The Gabrielino subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, and deserts as well as riparian, estuarine, and open and rocky coastal eco-niches. A wide variety of tools and implements was employed by the Gabrielino to gather and collect food. Groups residing near the ocean used ocean-going plank canoes and tule balsa canoes for fishing, travel, and trade between the mainland and the Channel Islands (SWCA 2020).

Deceased Gabrielino were either buried or cremated, with inhumation reportedly being more common on the Channel Islands and the neighboring mainland coast, and cremation predominating on the remainder of the coast and in the interior. Remains were buried in distinct burial areas, either associated with villages or without apparent village association. Cremation ashes have been found in archaeological contexts buried within stone bowls and in shell dishes, as well as scattered among broken ground stone implements. Archaeological data such as these correspond with ethnographic descriptions of an elaborate mourning ceremony that included a wide variety of offerings. At the behest of the Spanish missionaries, cremation essentially ceased during the post-Contact period. For inhumations, the deceased was wrapped in a covering, bound head to foot, with hands crooked upon their breast. Archaeological examples of human remains in the Gabrielino region dating to the Late Prehistoric and protohistoric periods are dominated by flexed or extended inhumations, with a smaller number of cremations. Grave goods associated with burials/cremations varied in quantity and content and included projectile points, beads, steatite objects, and asphaltum (SWCA 2020).

A review of a number of historic and ethnographic maps was conducted to further identify the archaeological sensitivity of the General Plan update area. An ethnographic map showing Native American settlements used for the recruitment of neophytes to the San Fernando and San Gabriel Missions shows that the plan area included the village of Pajebet (see Figure 4 of Archeological Technical Report in Appendix E-b). A review of the pictorial and historical map of Orange County does not depict any Native American villages in the plan area, but a village is noted both to the northeast and southwest along the Santa Ana River (see Figure 5 of Archeological Technical Report). The Santa Ana River was known as Wanaawna by the Gabrielino, and the settlement of Pasbengna was recorded as being along the Santa Ana River in the vicinity of Santa Ana. It is likely that the village of Pajebet (Figure 4 of Archeological Technical Report) was in actuality Pasbengna, and Pasbengna is the unnamed village marked to the north of the plan area on the pictorial and historical map of Orange County (Figure 5 of Archeological Technical Report). The village mapped to the south of the plan area may be the village of Lukúpa, which was situated on a knoll in the region over the Santa Ana River floodplain (SWCA 2020).

Lukúpa is believed to be the Newland House Site, which was excavated in the 1930s. The Camino (Nuevo) Real is also mapped by the pictorial and historical map of Orange County (see Figure 5 of Archeological Technical

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Report) as transecting the plan area, and the town of “Oranga” is mapped at the northern border (SWCA 2020).

Juaneño/Acjachemen

The name Juaneño denotes people who were administered during Spanish Colonial times by Mission San Juan Capistrano (Bean and Shippek 1978; Kroeber 1925). Many contemporary Juaneño, as well as coastal Luiseño, identify themselves as descendants of the indigenous people living in the local area, termed the Acjachemen Nation. The Juaneño and Luiseño languages are dialects of one another. The Juaneño and Luiseño language, as well as that of the Gabrielino to the north, was derived from the Takic family, part of the Uto-Aztec linguistic stock.

The Juaneño, or *Acjachemen*, population during the precontact period is thought to have numbered upwards of 3,500 (O’Neil 2002). It is known that 1,138 local Native Americans, consisting primarily of Acjachemen but including Gabrielino, coastal and interior Luiseño, Serrano, and Cahuilla, resided at Mission San Juan Capistrano in the year 1810 (Engelhardt 1922:175). The Mission’s death register shows as many as 1,665 native burials in its cemetery by this time, a number in addition to those who were dying at the villages from natural causes and introduced infectious diseases.

The Juaneño resided in permanent, well-defined villages and associated seasonal camps. Each village contained 35 to 300 persons, who for the most part belonged to a single lineage in the smaller villages, and a dominant clan joined with other families of multiple lineage background in the larger towns. As Boscana said of the *Acjachemen*, “all the rancherias were composed of a single relationship” (Harrington 1934:32). Each clan/village had its own resource territory and was politically independent, yet maintained ties to others through economic, religious, and social networks in the immediate region.

There were three hierarchical social classes: an elite class consisting of chiefly families, lineage heads, and other ceremonial specialists; a “middle class” of established and successful families; and, finally, people of disconnected or wandering families and war captives (Bean 1976:109–111). Native leadership focused in the *Nota*, or clan chief, who conducted community rites and regulated ceremonial life in conjunction with a council of elders (*puuplem*) composed of lineage heads and ceremonial specialists. The council discussed and decided matters of community import; those decisions were then implemented by the *Nota* and his staff.

The hereditary village chief held an administrative position that combined and controlled religious, economic, and warfare powers. While the placement of residential huts in a village was not regulated, a contemporary census study would likely have shown family groupings. The ceremonial enclosure (*vanquesb*) and the chief’s home could generally be found in the center of the village. As Boscana states:

The temples ... were invariably erected in the center of their towns, and contiguous to the dwelling-place of the captain, or chief; ... they managed to have the location of his house as near the middle as possible [Boscana 1978:37].

The village chief had a formal assistant, who acted as messenger and had important religious duties. Ritual specialists and shamans, each with his own special area of knowledge about the environment or ritual magic, had hereditary membership on the council and the responsibility for training some successor from his own

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lineage or family who showed the proper innate abilities. Hence, intra- and inter-lineage affairs dominated the political landscape, both within and between villages, in a manner not unlike that of the Hellenistic city-state or Republican Rome.

Father Boscana, a priest at Mission San Juan Capistrano, recorded his observations of the natives and left a most valuable work. Kroeber (1925) describes Boscana's "*Chinigchinich*" as "the most intensive and best written account of the customs and religion of any group of California Indians in the mission days." Kroeber, drawing on Boscana (1978) and other sources, describes the Juaneño as having well-developed religious, ritualistic, and social customs.

The center of the Juaneño religion was *Chinigchinich*, the last of a series of heroic mythological figures. The heroes were originally from the stars and the sagas told of them formed the Juaneño religious beliefs. The most obvious expression of the religion at the time of arrival of the Spanish was the *Wankech*, a brush-enclosed area where religious observances were performed. The *Wankech* apparently contained an inner enclosure housing a representation of *Chinigchinich*, a coyote skin stuffed with feathers, horns, claws, beaks, and arrows.

Both boys and girls were subjected to rites of initiation around the age of puberty. The rites for males included use of datura extract, a hallucinogen, in the search for a spirit helper. Trials of endurance may also have been part of the ritual. Females had to endure being placed in a branch-lined pit containing heated stones. The girl being initiated fasted in the pit for several days. Females also were introduced to tattooing during the initiation period.

The Juaneño practiced cremation and burial of the dead. Specific individuals who received compensation for their services managed the cremation. The death of at least those of higher rank was commemorated on the first anniversary. The Juaneño possessed a very accurate calendar. Complete knowledge of its exact working has been lost, but we do know that it combined both lunar and solar elements in a fashion similar to certain Southwestern practices.

As a strongly patrilineal society, residence was normatively patrilocal. However, use of the Family Reconstruction methodology with Mission San Juan Capistrano sacramental registers has revealed several births at the mother's village or third villages, notwithstanding a dominance of patrilocality (O'Neil 2002). Polygamy was practiced, but probably only by chiefs and *puuplem* with ceremonial positions who had larger economic roles within the community (Boscana 1933:44). Sororal polygamy is also seen in the Capistrano records. Divorce was not easy, but possible; divorcees and widows could re-marry, the latter preferably to a classificatory "brother" of her deceased husband. Marriage was used as a mechanism of politics, ecology, and economics. Important lineages were allied through marriage. Reciprocally useful alliances were arranged between groups of differing ecological niches.

Plant foods were by far the largest part of the traditional diet. The following description is from the summary by Bean and Shippek (1978:552). Acorns were the most important single food source, and two species were used locally. Villages were situated near reliable sources of abundant water, as was necessary in part for the daily leaching of milled acorn products. As a dietary staple, acorn mush (*weemish*) was prepared in various ways and served as gruel, cakes, or fried; it might be sweetened with honey or sugar-laden berries; and it could be made into a stew with added greens and meat. Grass seeds were the next most abundant plant food used, and other

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plant foods included manzanita, sunflower, sage, chia, lemonade berry, wild rose, holly-leaf cherry, prickly pear, lamb's-quarter, and pine nuts. Seeds were parched, ground, and cooked as mush in various combinations (according to taste and availability) much like *weenish*. Such greens as thistle, lamb's-quarters, miner's lettuce, white sage, and clover were eaten raw or cooked, and were sometimes dried for storage. Cactus pods and fruits were also used. Thimbleberries, elderberries, and wild grapes were eaten raw or dried for later cooking. Cooked yucca buds, blossoms, and pods provided a sizable addition to the community's food resources. Bulbs, roots, and tubers were dug in the spring and summer and usually eaten fresh. Mushrooms and tree fungus provided significant food supplements and were prized as delicacies. Various teas were made from flowers, fruits, stems, and roots for medicinal cures and beverages.

Principal game animals included deer, rabbit, jackrabbit, wood rat, mice, ground squirrel, antelope, quail, dove, duck, and other birds. Most predators were avoided as food, as were tree squirrels and most reptiles. Trout and other fish were caught in the streams, while salmon were available as they ran in the larger creeks. Being predominantly a coastal people, the *Ajjachemen* made extensive use of marine foods in their diet. Sea mammals, fish, and crustaceans were obtained from the shoreline and open sea with the use of reed and dugout canoes. Shellfish were the most heavily used resource and included abalone, turban, mussel, and other species from the rocky shores; clams, scallops, and univalves from the sandy beaches; and *Chione* and bubble shells, in addition to other species from the estuaries.

Raymond White (1962) proposed that for the coastal Luiseño (which includes the *Ajjachemen*), fish and marine animals accounted for variably 50–60 percent of the diet, and terrestrial game another 5–10 percent. Plant foods accounted for the remaining 30–60 percent, broken down by acorns 10–25 percent; seeds 5–10 percent; greens 5–10 percent; and bulbs, roots, and fruits 10–15 percent. These percentages would have varied as a reflection of village placement and size, the characteristics of its near surroundings, and annual variations in weather, sea temperature, and oceanic currents.

Tribal Cultural Resources

A records search of the California Historical Resources Information System found 23 archaeological resources that were previously recorded within 0.5 mile of the plan area. Of these resources, 8 were in the plan area, including 4 prehistoric sites, 1 multicomponent site, and 3 historic isolates. The prehistoric sites include habitation debris and lithic scatters, described following.

- A site recorded in 1971 (CA-ORA-300), when the construction of an apartment complex unearthed five prehistoric burials, a prehistoric midden deposit, and some historic materials associated with a historical walnut grove and a historic residence.
- Another site recorded in 1971 (CA-ORA-301) with subsurface lithic deposit, up to six feet below the surface.
- A site recorded in 1972 (CA-ORA-353) with prehistoric lithic scatter. The site is in an area partially developed for housing.

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- A site recorded in 1973 (CA-ORA-392) after the development of a housing project uncovered shell midden visible on the surface around the existing homes. The record notes that lithic artifacts were recovered by the local residents.

None of these sites have been updated since their initial recordation, and it is possible that intact subsurface deposits are still present within the site boundaries. The area surrounding CA-ORA-300 and 353 should be considered particularly sensitive due to the previous discovery of Native American burials. A site was recorded in 1999 (CA-ORA-1514) and consisted of a prehistoric shell scatter with no other associated artifacts. The site was noted to be a disturbed surface scatter in an open lot with buildings in the surrounding area, and no determination of a subsurface component. It is possible that intact subsurface deposits are still present within the site boundary.

Although the review of ethnographic and historic maps does not indicate the presence of any specific Native American archaeological resources, the proximity of mapped locations of these settlements in the vicinity of the plan area indicates a high sensitivity. The presence of the Santa Ana River, a permanent water source that connects the closest mapped Native American villages, and numerous springs mapped throughout the area on the rancho plat maps indicate that there is likely a high sensitivity for Native American archaeological resources throughout the plan area. This is supported by the identification of several prehistoric sites composed of habitation debris and lithic materials.

Sacred Lands File Search

Tribal cultural resources can include archaeological sites, built environment resources, locations of events or ceremonies, resource procurement areas, and natural landscape features with special significance to one or more indigenous groups. SWCA requested a Sacred Lands File (SLF) Search from the NAHC on February 22, 2019, and received the results on March 1, 2019. The SLF returned positive results, indicating that known tribal resources are located in the plan area.

5.17.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- TCR-1 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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:
- i) 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
 - ii) 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public

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Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

5.17.3 Regulatory Requirements and General Plan Policies

5.17.3.1 REGULATORY REQUIREMENTS

- RR TRC-1 As per AB52, within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.
- RR CUL-1 California Health and Safety Code Section 7050.5 requires that if human remains are discovered within the proposed project site, disturbance of the site shall halt and remain halted until the coroner has investigated the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

5.17.3.2 GENERAL PLAN UPDATE POLICIES

The following are relevant policies of the Santa Ana General Plan update, which may contribute to reduce potential impacts to tribal cultural resources as a result of implementation of the proposed project.

Historic Preservation Element

- **Policy 1.4 Protecting Resources.** Support land use plans and development proposals that actively protect historic and cultural resources. **Preservation tribal, archeological, and paleontological resources for their cultural importance to communities as well as their research and educational potential.**
- **Policy 1.7 Preserving Human Element.** Encourage participation in oral history programs to capture Santa Ana's historic and cultural narrative.
- **Policy 2.1 Resource Stewardship.** Expand community outreach to educate property owners and businesses regarding responsibilities and stewardship requirements of the City's historic resources.
- **Policy 2.2 Educational Awareness.** Provide educational opportunities to foster community awareness and pride in Santa Ana's history.
- **Policy 2.3 Commemorating History.** Support efforts to identify and commemorate historic structures and sites **and historically sensitive areas** in Santa Ana through murals, plaques, and educational exhibits.

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- **Policy 2.4 Local and Regional Partnerships.** Strengthen relationships and programs with local and regional institutions and organizations to promote the appreciation, maintenance, rehabilitation, and preservation of Santa Ana's historic and cultural resources.
- **Policy 2.5 Economic Development Tool.** Promote economic development through heritage education and the promotion of tourism.
- **Policy 3.1 Historic Resource Survey.** Maintain a comprehensive program to inventory and preserve historic and cultural resources, including heritage landscape and trees.
- **Policy 3.3 Accessible Preservation Program.** Explore strategies to promote a historic preservation program that is robust, equitable, and accessible.
- **Policy 3.4 Preservation Program Certification.** Maintain Santa Ana's status as a Certified Local Government (CLG) to further the City's historic resource program and pursue all available funding for preservation.
- **Policy 3.5 Local Preservation Groups.** Collaborate with the Santa Ana Historical Preservation Society, community groups, and individuals to promote public awareness and educational opportunities that highlight historic preservation.
- **Policy 3.6 Staff Development.** Collaborate with local and regional historic preservation groups to maintain a training program that promotes best practices in preservation techniques.

5.17.4 Environmental Impacts

5.17.4.1 METHODOLOGY

Literature Review and Database Searches

Available literature, historic topographic maps, historic aerial photographs, and records and database searches containing information on archaeological and tribal cultural resources were reviewed. Data sources include the California Historical Resources Information System (CHRIS), California state databases, and map searches encompassing the plan area to provide regional context and ensure thorough review of potential archaeological and tribal cultural resources within the plan area.

The California Office of Historic Preservation's system for managing information on archaeological and historic built environment resources and previous studies is known as the CHRIS. The CHRIS records are administered through various Archaeological Information Centers responsible for one or more counties. Records for Orange County are managed through the South-Central Coastal Information Center (SCCIC), located on the campus of California State University, Fullerton. On February 19, 2019, SWCA Environmental Consultants archaeologist Amber Johnson, B.A., conducted a records search of the CHRIS at the SCCIC. The search included any previously recorded archaeological resources within a 0.5-mile radius of the General Plan area. Historic built resources, or buildings, structures, and objects that are 45 years or older, were not included in the records search, as they are being addressed in a separate technical report.

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In addition to the CHRIS records search, SWCA conducted a review of all available historic U.S. Geological Survey 7.5- and 15-minute quadrangle maps depicting the City of Santa Ana. SWCA also reviewed property-specific historical and ethnographic context research to identify information relevant to the plan area. Archival research focused on a variety of primary and secondary materials relating to the history and development of the City of Santa Ana. Some of the sources consulted included historical maps, aerial and ground photographs, building permits, ethnographic reports, soil reports, and other environmental data.

On February 22, 2019, SWCA requested a search of the Sacred Lands File (SLF) from the NAHC. On March 1, 2019, the NAHC provided the results of the SLF search, as well as a consultation list of tribal governments with traditional lands or cultural places located within the plan area. To assist with formal government-to-government consultation with NAHC-listed tribes pursuant to SB 18 and AB 52, this list was provided to the City.

Tribal Consultation

Conducting tribal consultation early in the CEQA process allows tribal governments and public lead agencies to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. The intent of the tribal consultation process is to provide an opportunity for interested Native American contacts to work together with the City during the project planning process to identify and protect tribal cultural resources.

Native American consultation letters pursuant to AB 52 and SB 18 were sent to 19 Native American contacts on March 10, 2020. The letter formally invited tribes to consult with the City on the General Plan Update. Letters were sent to the following tribes:

- Campo Band of Diegueno Mission Indians
- Ewiiapaayp Band of Kumeyaay Indians (letters sent to two Native American contacts)
- Gabrieleño Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino /Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino Tongva Tribe
- Jamul Indian Village (letters sent to two Native American contacts)
- Juaneño Band of Mission Indians Acjachemen Nation – Belardes
- La Posta Band of Diegueno Mission Indians (letters sent to two Native American contacts)
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- San Fernando Band of Mission Indians
- San Pasqual Band of Diegueno Mission Indians
- Sycuan Band of the Kumeyaay Nation
- Viejas Band of Kumeyaay Indians

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Consultation requests were received from two Native American tribes: (1) Gabrieleño Band of Mission Indians – Kizh Nation, dated March 20, 2020, and (2) Juaneño Band of Mission Indians Acjachemen Nation – Belardes, dated March 19, 2020. Consultation with the Gabrieleño Band of Mission Indians – Kizh Nation occurred on June 4, 2020. An email dated April 10, 2020, from the Juaneño Band of Mission Indians Acjachemen Nation – Belardes states that they do not feel the need to meet at this time, but would like to consult as the project moves forward. They state their interest in reviewing the Draft PEIR and potential impacts on tribal cultural resources and will share concerns following their review of the Draft PEIR.

5.17.4.2 IMPACT ANALYSIS

The following impact analysis addresses thresholds of significance for which the Notice of Preparation disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.17-1: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource 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). [Threshold TCR-1.i]

The SLF search yielded positive results indicating that known tribal resources exist within the plan area. Further, a CHRIS records search at SCCIC indicates that 23 archaeological resources were previously recorded within 0.5 mile of the plan area. Of these resources, eight archaeological resources were located within the plan area; these include four prehistoric sites with habitation debris and lithic scatters, one multicomponent site, and three historic isolates (SWCA 2020). The plan area includes many locations that would have been favorable for prehistoric Native American occupation. While the City is urbanized and most of the plan area has been developed, buried resources may remain in areas of minimal ground disturbance, such as parks, parking lots, and structures with shallow foundations. Similar to archaeological resources discussed in Section 5.4, *Cultural Resources*, tribal cultural resources are site-specific in nature. Future development allowed under the General Plan Update could potentially impact and cause significant adverse impacts to tribal cultural resources. Therefore, implementation of the General Plan Update could result in a potentially significant impact.

Level of Significance Before Mitigation: Even with the implementation of RR CUL-1 and policies identified under the Historic Preservation Element, Impact 5.17-1 would be potentially significant.

Impact 5.17-2: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant pursuant to criteria in Public Resources Code Section 5024.1(c). [Threshold TCR-1.ii]

In considering the significance of the resource to a California Native American tribe, the NAHC was contacted for the listing of tribes with traditional lands or cultural places within the plan area boundaries and to search the SLF. The SLF returned positive results, indicating that known tribal resources are located within the General Plan Update area.

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As described in Section 5.17.4.1, *Methodology*, the City contacted 19 Native American representatives on March 10, 2020, and two consultation requests were received from (1) Gabrieleño Band of Mission Indians – Kizh Nation and (2) Juaneño Band of Mission Indians Acjachemen Nation – Belardes.

Consultation with the Gabrieleño Band of Mission Indians – Kizh Nation occurred June 4, 2020. Gabrieleño Band of Mission Indians – Kizh Nation identified sensitive areas within the City that have tribal resources. Gabrieleño Band of Mission Indians – Kizh Nation have requested to consult during the development process where grounds near sacred cultural resources, landscape features, or ceremonial sites may exist.

As discussed under Section 5.17.4.1, *Methodology*, an email dated April 10, 2020, from the Juaneño Band of Mission Indians Acjachemen Nation – Belardes states that they do not feel the need to meet at this time, but would like to consult as the project moves forward.

Future development as a result of the implementation of the General Plan Update could include grading in portions of the City with sensitivity to tribal cultural resources. Grading and construction activities that requires more intensive soil excavation than in the past could potentially cause disturbance to tribal cultural resources. Future development could potentially unearth previously unknown or unrecorded tribal cultural resources.

The General Plan Update includes policies that have the potential to reduce impacts of potential development on tribal cultural resources, such as:

- **Policy 1.4 Protecting Resources.** Support land use plans and development proposals that actively protect historic and cultural resources.
- **Policy 1.7 Preserving Human Element.** Encourage participation in oral history programs to capture Santa Ana's historic and cultural narrative.

Provided that the NAHC SLF search yielded positive results and the Gabrieleño Band of Mission Indians – Kizh Nation identified sensitive areas within the City, the buildout of the General Plan Update may cause a substantial adverse change in the significance of tribal cultural resources. Earthwork activities may occur with buildout under the General Plan Update, which could impact previously undisturbed tribal cultural resources. Therefore, impacts to tribal cultural resources are considered potentially significant.

Level of Significance Before Mitigation: Even with the implementation of RR TCR-1 and policies identified under the Historic Preservation Element, Impact 5.17-2 would be potentially significant.

5.17.5 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- **Impact 5.17-1** Buildout consistent with the General Plan Update could adversely impact tribal cultural resources that are listed in a register.
- **Impact 5.17-2** Buildout consistent with the General Plan Update could adversely impact tribal cultural resources pursuant to criteria in Public Resources Code Section 5024.1(c).

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5.17.6 Mitigation Measures

Impact 5.17-1 and Impact 5.17-2

Refer to Mitigation Measures CUL-4 through CUL-7 outlined in Chapter 5.4, *Cultural Resources*.

5.17.7 Level of Significance After Mitigation

Impact 5.17-1 and Impact 5.17-2

Implementation of Mitigation Measures CUL-4 through CUL-7 would reduce impacts relating to tribal cultural resources to less than significant.

5.17.8 References

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