

5.14 Tribal Cultural Resources

5.14.1 INTRODUCTION

This section addresses potential impacts to tribal cultural resources associated with implementation of the proposed Project. Information within this section is based on the following:

- *City of Santa Ana General Plan Update*
- *City of Santa Ana General Plan Update FEIR*
- *City of Santa Ana Municipal Code*
- *Archaeological Resources Assessment (Appendix E)*
- *Geotechnical Investigation (Appendix G)*

Additionally, part of this analysis is based upon Project-specific coordination and consultation with California Native American tribes that are traditionally and culturally affiliated with the Project region. In accordance with Public Resources Code Section 15120(d), certain information and communications that disclose the location of archaeological sites and sacred lands are allowed to be exempt from public disclosure.

5.14.2 REGULATORY SETTING

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 Senate Bill 18

Senate Bill 18 (SB 18) (California Government Code Section 65352.3) sets forth requirements for local governments to consult with California Native American tribes identified by the California Native American Heritage Commission (NAHC) to aid in the protection of tribal cultural resources. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning to protect, or mitigate impacts on, tribal cultural resources. The Tribal Consultation Guidelines: Supplement to General Plan Guidelines (OPR, 2005), identifies the following contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).

- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Because the proposed Project includes approval of a Specific Plan, it is subject to the statutory requirements of SB 18 Tribal Consultation Guidelines.

California Assembly Bill 52

Assembly Bill 52 (AB 52) established a requirement under CEQA to consider "tribal cultural values, as well as scientific and archaeological values when determining impacts and mitigation." Public Resources Code (PRC) Section 21074(a) defines "tribal cultural resources" (TCRs) as "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are either "[i]ncluded or determined to be eligible for inclusion in the California Register of Historical Resources" or "in a local register of historical resources." Additionally, defined cultural landscapes, historical resources, and archaeological resources may be considered tribal cultural resources. PRC Section 21074(b), (c). The lead agency may also in its discretion treat a resource as a TCR if it is supported with substantial evidence.

Projects for which a notice of preparation for a Draft EIR was filed on or after July 1, 2015 are required to have lead agencies offer California Native American tribes traditionally and culturally affiliated with the project area consultation on CEQA documents prior to submitting an EIR in order to protect TCRs. PRC Section 21080.3.1(b) defines "consultation" as "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement." Consultation must "be conducted in a way that is mutually respectful of each party's sovereignty [and] recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance." The consultation process is outlined as follows:

1. California Native American tribes traditionally and culturally affiliated with the project area submit written requests to participate in consultations.
2. Lead agencies are required to provide formal notice to the California Native American tribes that requested to participate within 14 days of the lead agency's determination that an application package is complete or decision to undertake a project.
3. California Native American tribes have 30 days from receipt of notification to request consultation on a project.
4. Lead agencies initiate consultations within 30 days of receiving a California Native American tribe's request for consultation on a project.
5. Consultations are complete when the lead agencies and California Native tribes participating have agreed on measures to mitigate or avoid a significant impact on a TCR, or after a reasonable effort in good faith has been made and a party concludes that a mutual agreement cannot be reached (PRC Sections 21082.3(a), (b)(1)-(2); 21080.3.1(b)(1)).

AB 52 requires that the CEQA document disclose significant impacts on TCRs and discuss feasible alternatives or mitigation to avoid or lessen an impact.

California Health and Safety Code, Section 7050.5

This code requires that if human remains are discovered on a project site, disturbance of the site must halt and remain halted until the coroner has conducted an investigation into 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 recognizes or has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.

City of Santa Ana General Plan

The following goals and policies in the General Plan Update Historic Preservation Element are relevant to the proposed Project:

POLICY HP-1.4 Support land use plans and development proposals that actively protect historic and cultural resources. Preserve tribal, archeological, and paleontological resources for their cultural importance to communities as well as their research and educational potential.

POLICY HP 1.7 Encourage participation in oral history programs to capture Santa Ana's historic and cultural narrative.

POLICY HP 2.3 Support efforts to identify and commemorate historic structures and sites and historically sensitive areas in Santa Ana through murals, plaques, and educational exhibits.

POLICY 3.1 Maintain a comprehensive program to inventory and preserve historic and cultural resources, including heritage landscape and trees.

5.1.4.3 ENVIRONMENTAL SETTING**Native American Tribes**

According to available ethnographic maps, ethnographic data, and Native American input, the City of Santa Ana lies within an area on the border of the traditional lands of the Gabrieleño and the Juaneño/Acjachemen. As such, both are discussed below.

Gabrieleño

The traditional lands of the Gabrieleño at the time of Spanish contact covers much of current-day Los Angeles, San Bernardino, and Orange Counties, which includes the Project site in the City of Santa Ana. The southern region of this cultural area is bound by Aliso Creek, the eastern region is located east of San Bernardino along the Santa Ana River, the northern region includes the San Fernando Valley, and the western region includes portions of the Santa Monica Mountains. The Gabrieleño also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in Southern California. Trade of materials and resources controlled by the Gabrieleño extended as far north as the San Joaquin Valley, as far east as the Colorado River, and as far south as Baja California.

The Gabrieleño lived in permanent villages and smaller, resource-gathering camps occupied at various times of the year depending upon the seasonality of the resource. Larger villages comprised of several families

or clans, while smaller, seasonal camps typically housed smaller family units. Gabrieleño houses were domed, circular structures made of thatched vegetation. Houses varied in size, and could house from one to several families. Sweathouses—semicircular, earth covered buildings—were public structures used in male social ceremonies. Other structures included menstrual huts and a ceremonial structure called a yuvar, an open-air structure built near the chief's house.

Hunting implements included wooden clubs, sinew-backed bows, slings, and throwing clubs. Maritime implements included rafts, harpoons, spears, hook and line, and nets. A variety of other tools included deer scapulae saws, bone and shell needles, bone awls, scrapers, bone or shell flakers, wedges, stone knives and drills, metates, mullers, manos, shell spoons, bark platters, and wooden paddles and bowls. Baskets were made from rush (*Juncus sp.*), deer grass (*Muhlenbergia rigens*), and skunkbush (*Rhus trilobata*).

The social structure of the Gabrieleño is little known; however, there appears to have been at least three social classes: 1) the elite, which included the rich, chiefs, and their immediate family; 2) a middle class, which included people of relatively high economic status or long-established lineages; and 3) a class of people that included most other individuals in the society. Villages were politically autonomous units comprised of several lineages. During times of the year when certain seasonal resources were available, the village would divide into lineage groups and move out to exploit them, returning to the village between forays.

Each lineage had its own leader, with the village chief coming from the dominant lineage. Several villages might be allied under a paramount chief. Chiefly positions were of an ascribed status, most often passed to the eldest son. Chiefly duties included providing village cohesion, leading warfare and peace negotiations with other groups, collecting tribute from the village(s) under his jurisdiction, and arbitrating disputes within the village(s). The status of the chief was legitimized by his safekeeping of the sacred bundle, a representation of the link between the material and spiritual realms and the embodiment of power. Shamans were leaders in the spirit realm. The duties of the shaman included conducting healing and curing ceremonies, guarding of the sacred bundle, locating lost items, identifying and collecting poisons for arrows, and making rain. Marriages were made between individuals of equal social status and, in the case of powerful lineages, marriages were arranged to establish political ties between the lineages. Men conducted the majority of the heavy labor, hunting, fishing, and trading with other groups. Women's duties included gathering and preparing plant and animal resources, and making baskets, pots, and clothing.

Rivers and streams were used as trading routes and travel routes as they provided resources. Thus, many tribal cultural resources are found along rivers, streams, and other known travel or trade routes. The Project site does not include, and is not located near a river, stream, or identified corridor that could have been a travel or trade route.

Juaneño/Acjachemen

The traditional lands of the Juaneño Band of Mission Indians, Acjachemen Nation covered Orange County and parts of San Diego, Los Angeles, and Riverside Counties. The Acjachemen Nation refers to the indigenous people native to the area. Their population is thought to have been upwards of 3,500 before contact with the Spanish. The Juaneño name came about once the local peoples were administered by Mission San Juan Capistrano. Native population within the Mission has been recorded to reach over 1,000 residents. Cremation and burial of the dead were practiced in their society.

The Juaneño resided in permanent, well-defined villages with associated seasonal camps housing between 35 to 300 people. Smaller villages were primarily comprised of a single lineage, while larger villages were a combination of the dominant clan and multiple families. In larger villages, the temple was the center of the town, with housing for the captain or chief nearby. Additionally, residence within villages were typically patrilocal. Each village was politically independent while maintaining contact with other groups in the region through economic, religious, and social networks.

Social structure was clearly defined into three hierarchies: 1) an elite class of chiefly families, lineage heads, and ceremonial specialists; 2) a middle class of established and successful families; and 3) the lower class of wandering peoples and war captives. The *Nota*, or the hereditary village chief, held authority over religious, economic, and warfare powers. Aiding the *Nota* was a council of elder assistants, ritual specialists, and shamans called the *puuplem*. These people, also chosen within the dominant lineage, contributed to community decisions and governing religious duties.

A majority of the traditional diet was comprised of plant foods; of those, acorns were the staple food source. As a result, villages were typically located near abundant water to leach milled acorn products. Communities closer to the coast relied heavily on fish and marine animal resources, while terrestrial game accounted for the smallest portion of their diet.

Tribal Cultural Resources

A records search of the California Historical Resources Information System found four archaeological resources that were previously recorded within 0.5 mile of the Project site. Of these resources, one is a prehistoric site and three historic-period archaeological isolates. The prehistoric site is associated with a prehistoric shell scatter, discovered in 1999, which is located 0.5-mile southeast of the Project site. According to the Archaeological Resource Assessment prepared for the proposed Project, the site is sensitive for prehistoric archaeological resources. However, previous agricultural activities and current development within the site have reduced sensitivity for intact subsurface archaeological deposits at depths less than 18 inches below ground surface.

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. The City requested a Sacred Lands File (SLF) Search from the NAHC on January 17, 2023, and received the results on February 2, 2023. The SLF returned negative results, indicating that no known tribal resources are located in the Project site.

5.14.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to 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); or
- 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, that considers the significance of the resource to a California Native American tribe.

5.14.5 METHODOLOGY

A Sacred Lands File search was requested from the NAHC on January 17, 2023. The NAHC responded on February 2, 2023, stating that there are no known/known sacred lands within 0.5 mile of the Project area, and requested that 20 Native American tribes be contacted for further information regarding the general area vicinity.

In compliance with SB 18, AB 52, and the NAHC request, on January 23, 2023 and February 2, 2023, the City sent letters to the following Native American tribes that may have knowledge regarding tribal cultural resources in the Project vicinity.

- Campo Band of Diegueno Indians
- Ewiiapaayp Band of Kumeyaay Indians
- Gabrieleño Band of Mission Indians – Kizh Nation
- Gabrieleño/Tongva San Gabriel Band of Mission Indians
- Gabrieleño /Tongva Nation
- Gabrieleño Tongva Indians of California Tribal Council
- Gabrieleño -Tongva Tribe
- Jamul Indian Village
- Juaneño Band of Mission Indians Acjachemen Nation – Belardes
- Juaneño Band of Mission Indians Acjachemen Nation 84A
- La Posta Band of Diegueno Mission Indians
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Pala Band of Mission Indians
- San Fernando Band of Mission Indians
- San Pasqual Band of Diegueno Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians
- Sycuan Band of Kumeyaay Nation
- Viejas Band of Kumeyaay Indians

Two responses were received. The Gabrieleño Band of Mission Indians – Kizh Nation responded on February 22, 2023. Consultation with the Gabrieleño Band of Mission Indians – Kizh Nation occurred via email and the Tribe provided requested mitigation measures. The Juaneño Band of Mission Indians Acjachemen Nation – Belardes responded on February 9, 2023. The Juaneño Band of Mission Indians Acjachemen Nation – Belardes provided an email on April 18, 2023 stating the Tribe has no concerns regarding the proposed Project and concluded consultation.

5.14.6 ENVIRONMENTAL IMPACTS

Summary of Impacts Identified in the GPU FEIR

The GPU FEIR addressed tribal cultural resource impacts on pages 5.17-13 through 5.17-15. The GPU FEIR describes that the Sacred Land File search for the GPU yielded positive results, indicating that known tribal resources exist within the City of Santa Ana. Further, a records search conducted at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Inventory System (CHRIS) indicated that 23 archaeological resources were previously recorded within 0.5 mile of the City. Of these resources, eight archaeological resources were located within the City, which include four prehistoric sites with habitation debris and lithic scatters, one multicomponent site, and three historic isolates. The GPU FEIR also describes that the City includes many locations that would have been favorable for prehistoric Native American occupation, and that while the City is urbanized, buried resources may remain in areas of minimal ground disturbance. Additionally, the GPU FEIR describes that the Gabrieleño Band of Mission Indians – Kizh Nation identified sensitive areas within the City, and that buildout of the GPU may cause a substantial adverse

change in the significance of tribal cultural resources. Thus, the GPU FEIR determined that implementation of Mitigation Measures CUL-4 through CUL-7 would be required to reduce impacts relating to tribal cultural resources to less than significant.

Proposed Specific Plan Project

IMPACT TCR-1: THE PROJECT WOULD NOT 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).

Less than Significant Impact with Mitigation Incorporated. SB 18 and AB 52 require meaningful consultation between lead agencies and California Native American tribes regarding potential impacts on TCRs. As described above, TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (PRC Section 21074). As outlined above, the City sent letters to 20 Native American representatives identified by NAHC, notifying them of the proposed Project in accordance with SB 18 and AB 52.

The City consulted with each tribe that requested consultation. During the course of the tribal consultation process, no Native American tribe provided the City with substantial evidence indicating that tribal cultural resources, as defined in PRC Section 21074, are present on the Project site or have been found previously on the Project site. However, due to the Project site's location in an area where Native American tribes are known to have a cultural affiliation, there is the possibility that archaeological resources, including tribal cultural resources, could be encountered during ground disturbing construction activities. As such, Project-specific Mitigation Measures TCR-1 through TCR-3 would be implemented to require Native American monitoring during any ground disturbing activities on the Project site and to avoid potential impacts to tribal cultural resources that may be unearthed by Project construction activities. With implementation of GPU FEIR Mitigation Measures CUL-4 and CUL-6 and Project-specific Mitigation Measures TCR-1 through TCR-3, impacts to tribal cultural resources would be less than significant. Therefore, impacts related to Project buildout of the site would be consistent with the impact conclusions set forth in the GPU FEIR, which determined that impacts related to tribal cultural resources would be less than significant with the incorporation of mitigation.

IMPACT TCR-2: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF 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 THE PUBLIC RESOURCES CODE SECTION 5024.1, THAT CONSIDERS THE SIGNIFICANCE OF THE RESOURCES TO A CALIFORNIA NATIVE AMERICAN TRIBE.

Less than Significant Impact with Mitigation Incorporated. As described in the previous response, the Project site has been heavily disturbed for construction of the existing buildings and infrastructure. The proposed Project involves excavation; however, as discussed in Impact TCR-1 above, no substantial evidence exists that TCRs are present in the Project site. Although, no TCRs have been identified, during the SB 18/AB 52 consultation, the Gabrieleño Band of Mission Indians – Kizh Nation stated that the proposed Project lies within its ancestral tribal territory within a potentially sensitive area. Therefore, to avoid potential adverse effects to tribal cultural resources, Project-specific Mitigation Measures TCR-1 through TCR-3 have been

included to provide for Native American resource sensitivity training, monitoring, and to prescribe activities should any inadvertent discoveries of tribal cultural resources be unearthed by Project construction activities.

Additionally, as described previously, California Health and Safety Code, Section 7050.5 requires that if human remains are discovered in the Project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC. Therefore, with implementation of GPU FEIR Mitigation Measures CUL-4 and CUL-6 and Project-specific Mitigation Measures TCR-1 through TCR-3 and the existing regulations, impacts to TCRs would be less than significant. Therefore, impacts related to Project buildout of the site would be consistent with the impact conclusions set forth in the GPU FEIR, which determined that impacts related to tribal cultural resources would be less than significant with the incorporation of mitigation.

5.14.7 CUMULATIVE IMPACTS

The cumulative study area for tribal cultural resources includes the Southern California region, which contains the same general tribal historic setting of the Gabrieleño and Juaneno Tribes, as detailed previously in Section 5.14.3, *Environmental Setting*. Other projects in the vicinity of the proposed Project would involve ground disturbances that could reveal buried TCRs.

Cumulative impacts to TCRs would be reduced by compliance with applicable regulations and consultations required by SB 18 and AB 52. As described above, the Project site and vicinity is not known to contain TCRs; however, Mitigation Measure TCR-1 would be implemented to ensure that impacts would not occur in the case of an inadvertent discovery of a potential TCR. This mitigation measure would ensure that the proposed Project would not contribute to a cumulative loss of TCRs. Therefore, cumulative impacts would be less than significant.

5.14.8 EXISTING STANDARD CONDITIONS AND PLANS, PROGRAMS, OR POLICIES

- California Government Code Sections 5097.9-5097.99
- California Health and Safety Code Section 7050.5
- California Public Resources Code Sections 21073 et seq. (AB 52)

5.14.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts TCR-1 and TCR-2 would be **potentially significant**.

5.14.10 MITIGATION MEASURES

GPU FEIR Mitigation Measures

CUL-4 For projects with ground disturbance—e.g., grading, excavation, trenching, boring, or demolition that extend below the current grade—prior to issuance of any permits required to conduct ground-disturbing activities, the City shall require an Archaeological Resources Assessment be conducted under the supervision of an archaeologist that meets the Secretary of the Interior's Professionally Qualified Standards in either prehistoric or historic archaeology.

Assessments shall include a California Historical Resources Information System records search at the South Central Coastal Information Center and of the Sacred Land Files maintained by the Native American Heritage Commission. The records searches will determine if the proposed project area has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. If unpaved surfaces are present within the project area, and the entire project area has not been previously surveyed within the past 10 years, a Phase I pedestrian survey shall be undertaken in proposed project areas to locate any surface cultural materials that may be present.

Proposed Project Applicability: Mitigation Measure CUL-4 is applicable to the proposed Project and an Archaeological Resources Assessment has been prepared and is included in Appendix E.

CUL-6 If the archaeological assessment did not identify archaeological resources but found the area to be highly sensitive for archaeological resources, a qualified archaeologist and a Native American monitor approved by a California Native American Tribe identified by the Native American Heritage Commission as culturally affiliated with the project area shall monitor all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil of high sensitivity. The archaeologist shall inform all construction personnel prior to construction activities of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial onsite safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources. The Native American monitor shall be invited to participate in this training. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted while the resources are evaluated for significance by an archaeologist who meets the Secretary's Standards. and This will include tribal consultation and coordination with the Native American monitor in the case of a prehistoric archaeological resource or tribal resource. If the discovery proves to be significant, the long-term disposition of any collected materials should be determined in consultation with the affiliated tribe(s), where relevant; this could include curation with a recognized scientific or educational repository, transfer to the tribe, or respectful reinternment in an area designated by the tribe.

Proposed Project Applicability: Mitigation Measure CUL-6 is applicable to the proposed Project as determined by the Archaeological Resources Assessment Report (Appendix E) because the site has been determined to be sensitive for archaeological resources. This measure will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project.

Proposed Specific Plan Project Mitigation Measures

Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

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

- B. A copy of the executed monitoring agreement shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project Applicant upon written request to the Tribe.
- D. Onsite tribal monitoring shall conclude upon the earlier of the following (1) written confirmation to the Kizh from a designated point of contact for the Project Applicant or lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant or Lead Agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact Kizh TCRs.

Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

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

Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects

- A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
- E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

5.14.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The mitigation measures and existing regulatory programs described previously would reduce potential impacts associated with TCRs for Impacts TCR-1 and TCR-2 to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to TCRs would occur.

REFERENCES

City of Santa Ana General Plan Update. April 2022. Accessed: <https://www.santa-ana.org/general-plan-documents/>

City of Santa Ana Municipal Code. Accessed: https://library.municode.com/ca/santa_ana

Related Bristol, City of Santa Ana, California Archaeological Resources Assessment Report. January 2023b. Prepared by ESA. (Appendix E)

City of Santa Ana General Plan Update Final Recirculated Program Environmental Impact Report. October 2021. Accessed: <https://www.santa-ana.org/general-plan-environmental-documents/>

Preliminary Investigation Report Related Bristol Project. August 2022. Prepared by Group Delta Consultants, Inc. (Appendix G)

This page intentionally left blank.