

### **3.16 TRIBAL CULTURAL RESOURCES**

This section discusses the Project's potential impacts to tribal cultural resources. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objected 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 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. The potential tribal cultural resources impacts associated with the Project are identified and discussed herein.

Information in this section is based on the Cultural Resources Assessment prepared by Stantec Consulting Services in April 2025, and included as Appendix D, and consultation efforts by the City with appropriate California Native American tribes. Where general information is applicable to both Section 3.4, Cultural Resources, and this section, the reader will be referred to Section 3.4, Cultural Resources, for additional detail.

#### **SUMMARY OF IMPACTS**

***The Project could cause a substantial adverse change in the significance of a tribal cultural resource and result in impacts to tribal cultural resources; however, with implementation of Mitigation Measures TCR-1 and TCR-2, impacts would be less than significant.***

***The City, including the ORCC Specific Plan Project site, is located in an area of high sensitivity to precontact Native American resources. Additional study of the ORCC Specific Plan Project site is recommended to fully assess future project impacts on tribal cultural resources. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.***

#### **3.16.1 Environmental Setting**

##### **Ethnography**

Seal Beach is in the ancestral homeland of the Gabrielino (also known as Tongva). At the time of European contact, the Gabrielino inhabited the Los Angeles basin and the southern Channel Islands of Santa Catalina, San Nicolas, and San Clemente (Bean and Smith 1978).

The Gabrielino are descended from a Takic-speaking, Uto-Aztecan group that likely entered the Los Angeles Basin as recently as 1500 years before present (BP) from the southern Great Basin or interior California deserts. However, it is also possible that they migrated in successive waves over a longer period beginning around 4,000 years BP. It has been proposed that Uto-Aztecan speakers displaced the local occupants of the southern coast (Kroeber 1925:578–580; Moratto 1984:165), represented by the Hokan-speaking Diegueño to the south and the Chumash to the north. Much of the review of the Gabrielino presented here is based on William McCawley's book, *The First Angelinos* (1996).



## **CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT**

### **Draft Environmental Impact Report**

#### **Tribal Cultural Resources**

The Gabrielino lived in an area that covered more than 1,500 square miles and included the watersheds of the Los Angeles River, San Gabriel River, Santa Ana River, and Rio Hondo, as well as the southern Channel Islands. There were at least 50 residential communities or villages, each with 50 to 150 individuals. Each community consisted of one or more lineages associated with a permanent territory. Each territory was represented by a permanent central settlement, with associated hunting, fishing, gathering, and ritual areas. A typical settlement would have had a variety of structures used for daily living, recreation, and rituals. In the larger communities, the layout was more intricate. A ritualistic or sacred enclosure was surrounded by the residences of the chief and community leaders, which were in turn surrounded by the smaller homes of the rest of the community. Sweathouses, cemeteries, and clearings for dancing and playing were also common at larger settlements (McCawley 1996:32–33).

Gabrielino subsistence consisted of terrestrial and marine resources. These included mule deer, pronghorn, rabbits, small rodents, freshwater and marine fish and shellfish, sea mammals, snakes, lizards, insects, quail and mountain sheep. Botanical resources included native grass seeds, pine nuts, acorns, berries, and fresh greens and shoots. Food resources were managed by the chief, who oversaw food reserves, and families were known to store surplus resources to supplement their diet during times of resource stress. The Gabrielino were among the most materially wealthy groups in California, due to a complex trade network between the Tongva and neighboring groups (McCawley 1996:141).

Like many other Native American groups, the settlement of Europeans in California brought conflict and disease as the Spanish colonized the west coast, decimating the Native American population. Today, the Gabrielino continue their traditions in Southern California, with approximately 2,000 individuals.

#### **Native American Consultation**

On January 18, 2024, Stantec Consulting Services contacted NAHC in West Sacramento to conduct a Sacred Lands File (SLF) search of the Project area (Appendix D). The NAHC is the state's official repository of sacred lands, sites, and resources recognized by California Native American tribes.

Andrew Green, NAHC Cultural Resources Analyst, responded via email on February 14, 2024, to Stantec Consulting Services' search request that a review of the SLF was "positive" and recommended that the Gabrieleno/Tongva San Gabriel Band of Mission Indians and the Juaneno Band of Mission Indians Acjachemen Nation – Belardes be contacted for further information. The NAHC provided Stantec Consulting Services with a list of local tribes that may have additional information regarding tribal cultural resources in the Project and vicinity.

The Project is subject to tribal consultation requirements under CEQA (i.e., AB 52 and SB 18). On November 15, 2023, the City sent letters to six Native American tribal representatives. The letters advised the tribal representatives of the Project, offered consultation to discuss the Project's potential impacts to tribal cultural resources, and solicited information regarding Native American resources in the immediate area.

Under PRC Section 21080.3.1, AB 52 consultation process is not required to be initiated unless a tribe that is traditionally and culturally affiliated to the geographic area where a project is located requests, in writing, for consultation. The tribe must respond, in writing, within 30 days of receipt of the formal



# CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT

## Draft Environmental Impact Report

### Tribal Cultural Resources

notification and request consultation. One response was received on November 29, 2023, from the tribal representative for the Gabrieleno Band of Mission Indians – Kizh Nation. The response indicated that the tribal representative concurs with the proposed General Plan Amendments and the Project; however, the tribal representative requested consultation for all future development projects within the City.

### 3.16.2 Regulatory Setting

Refer to Section 3.4, Cultural Resources, for additional federal and state regulations and local policies applicable to tribal cultural resources.

#### State

Assembly Bill 52 (PRC Section 21084.2)

AB 52, which became law on January 1, 2015, provides for consultation with California Native American tribes during the CEQA process, and equates significant impacts to “tribal cultural resources” with significant environmental impacts. PRC Section 21074 states that “tribal cultural resources” are:

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are one of the following:

- Included or determined to be eligible for inclusion in the CRHR.
- Included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1.
- 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

A “historical resource” (PRC Section 21084.1), a “unique archaeological resource” (PRC Section 21083.2(g)), or a “non-unique archaeological resource” (PRC Section 21083.2 (h)) may also be a tribal cultural resource if it is included or determined to be eligible for inclusion in the California Register.

The consultation provisions of the law require that a public agency consult with local Native American tribes that have requested placement on that agency’s notification list for CEQA projects. Within 14 days of determining that a project application is complete, or a decision by a public agency to undertake a project, the lead agency must notify tribes of the opportunity to consult on the project, should a tribe have previously requested to be on the agency’s notification list. California Native American tribes must be recognized by the NAHC as traditionally and culturally affiliated with the project site and must have previously requested that the lead agency notify them of projects. Tribes have 30 days following notification of a project to request consultation with the lead agency.

The purpose of consultation is to inform the lead agency in its identification and determination of the significance of tribal cultural resources. If a project is determined to result in a significant impact on an



# CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT

## Draft Environmental Impact Report

### Tribal Cultural Resources

identified tribal cultural resource, the consultation process must occur and conclude prior to adoption of a Negative Declaration or Mitigated Negative Declaration, or certification of an Environmental Impact Report (PRC Sections 21080.3.1, 21080.3.2, 21082.3).

### California Health and Safety Code and Public Resources Code

Broad provisions for the protection of Native American cultural resources are contained in the HSC, Division 7, Part 2, Chapter 5 (Sections 8010 through 8030). Several provisions of the PRC also govern archaeological finds of human remains and associated objects. Procedures are detailed under PRC Section 5097.98 through 5097.996 for actions to be taken whenever Native American remains are discovered.

Section 7050.5 of the HSC states that any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the PRC. Any person removing human remains without authority of law or written permission of the person or persons having the right to control the remains under PRC Section 7100 has committed a public offense that is punishable by imprisonment. PRC Chapter 1.7, Section 5097.5/5097.9 (Stats. 1965, c. 1136, p. 2792), entitled Archaeological and Historical Sites, defines any unauthorized disturbance or removal of remains on public land as a misdemeanor.

### Senate Bill 18

SB 18 (2004) requires cities and counties to consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Places. This allows Native American tribes the opportunity to provide input with respect to the possible preservation of, or the mitigation of impacts on, specified Native American places, features, and objects located within that jurisdiction. This consultation is required prior to amending or adopting any general plan or specific plan or designating land as open space. As noted above, the City contacted NAHC and local tribes in accordance with SB 18 requirements.

### City of Seal Beach General Plan

The City's General Plan is a comprehensive long-range general plan for the physical development of the City of Seal Beach. The General Plan contains the current Housing Element Update, which was adopted in 2022 and revised in 2024. The various elements within the General Plan include goals and policies for the physical development of the City. The City's General Plan goals and policies applicable to tribal cultural resources are presented below:

#### Cultural Resources Element

**Goal 1:** Preserve and protect historical, archaeological, and paleontological resources.

- **Policy 1:** Balance the benefits of development with the project's potential impacts to existing cultural resources.



# CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT

## Draft Environmental Impact Report

### Tribal Cultural Resources

- **Policy 3:** Coordinate cultural resource programs and development project review with affected resource agencies and Native American representatives.
- **Policy 5:** Assess development proposals for potential impacts to significant archaeological resources pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA). Require a study conducted by a professional archaeologist for all development proposals located in areas known to be sensitive for cultural resources.

### 3.16.3 Environmental Impacts

This section analyzes the Project's potential to result in significant tribal cultural resources impacts. When an impact is determined to be significant, mitigation measures are identified that would reduce or avoid that impact.

#### Methodology for Analysis

The following impact analysis is based on the Cultural Resources Assessment prepared for the Project by Stantec Consulting Services in April 2025, which is included as Appendix D, and the results from the tribal consultation. The Cultural Resources Assessment included a records search at the regional Information Center of the California Historical Resources Information System, literature review, and search of the SLF from NAHC.

#### Threshold of Significance

In accordance with the CEQA Guidelines' Appendix G Environmental Checklist, the following questions were analyzed and evaluated to determine whether the Project's tribal cultural resources impacts are significant.

*Would the Project:*

- *Cause a substantial adverse change in the significance of a tribal cultural resource, defined by PRC 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 CRHR, or in a local register of historical resources as defined in PRC 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*



# CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT

## Draft Environmental Impact Report

### Tribal Cultural Resources

## Impact Analysis and Mitigation Measures

### Tribal Cultural Resources

---

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Impact TCR-1</b> | <p><b>The Project could 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 California Native American tribe, and that is:</b></p> <ul style="list-style-type: none"><li><b>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</b></li><li><b>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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</b></li></ul> |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

---

### Impact Analysis

In accordance with AB 52 and SB 18 requirements, the City sent invitation letters to representatives of the Native American tribal contacts on November 15, 2023, formally inviting tribes to consult with the City on the Housing Element Update and Zone Code Update. The intent of the tribal consultations 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. The City sent letters to six Native American tribal representatives and one response letter was received from the following tribe:

- Gabrieleno Band of Mission Indians – Kizh Nation. The tribe sent a letter to the City on November 29, 2023, stating that they concur with the proposed General Plan Amendments and requests that the Tribal government be consulted on future development projects within the City.

As all of the Housing Opportunity Sites and the Main Street Program area are currently developed or have been developed in the past with uses that have previously disturbed the site, these sites are not anticipated to have undiscovered sensitive tribal resources. However, as the NAHC SLF search resulted in a positive result for tribal cultural resources and the City is located in an area of high sensitivity for precontact Native American resources, future development projects under the Project could require ground-disturbing activities in portions of the City that may have sensitive tribal cultural resources. Grading and construction activities of undeveloped areas or redevelopment that requires more intensive soil excavation than needed for the existing development could potentially cause disturbance to tribal cultural resources by potentially unearthing previously unknown/unrecorded tribal cultural resources.

As detailed in Section 3.4, Cultural Resources, and identified in the Cultural Resources Assessment prepared for the Project, three archaeological cultural resources have been identified at, or in the vicinity of, one of the Housing Opportunity Sites: P-30-000143, P-30-000264, and P-30-001546. The status of



## CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT

### Draft Environmental Impact Report

#### Tribal Cultural Resources

these three archaeological cultural resources is unknown at this time, including their integrity (i.e., whether these sites contain intact subsurface archaeological deposits) and their eligibility for listing in either the CRHR or NRHP. At least two of these sites have reported Native American human remains, and regardless of these sites' status as historical resources or archaeological resources under CEQA, the presence of such remains may be tribal cultural resources. As requested by the Gabrieleno Band of Mission Indians – Kizh Nation during the AB 52 consultation process, future development projects located on one of the eight Housing Opportunity Sites or within the Main Street Program area would be required to comply with Mitigation Measure TCR-1 which requires consultation with identified Native American tribal groups prior to approval of the proposed future development project. Additionally, as the NAHC SLF search identified a positive result, future development projects would be required to implement Mitigation Measure TCR-2 which outlines procedures in the event of inadvertent discovery of tribal cultural resources. Mitigation Measures TCR-1 and TCR-2 require that before any development or redevelopment activities can occur, the site must be analyzed for conformance with the applicable local, state, and federal requirements, and must comply with the requirements of CEQA. The City will work with the tribe to address any artifacts unearthed during construction in accordance with the mitigation measures. Working directly with the tribe and implementation of mitigation measures would reduce potential impacts and impacts to tribal cultural resources would be less than significant.

This EIR includes a discussion of the residential component of the ORCC Specific Plan Project based on the site location and proposed buildout of the 167 dwelling units that are included within the City's site inventory to meet its RHNA requirements. The City, including the ORCC Specific Plan Project site, is located in an area of high sensitivity to precontact Native American resources. Additional study of ORCC Specific Plan Project site is recommended to fully assess future project impacts on tribal cultural resources. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.

#### Level of Significance Before Mitigation

Potentially Significant Impact.

#### Mitigation Measures

**MM TCR-1: Tribal Consultation Requirements.** Any future development projects proposed within one of the eight Housing Opportunity Sites or within the Main Street Program area shall consult with the Gabrieleno Band of Mission Indians – Kizh Nation tribal government as requested by the tribal representative. The project shall be analyzed in accordance with California Environmental Quality Act (CEQA) on an individual project level to identify any existing tribal cultural resources that may be onsite. If tribal cultural resources are determined to be onsite, the appropriate tribal group shall be consulted. If additional tribal consultation is determined to be required, it shall be conducted in conformance with AB 52, SB 18, and CEQA requirements.

**MM TCR-2: Inadvertent Discoveries.** In the event that additional significant site(s) or resource(s) not identified as significant in a project environmental review process, but are later determined to be significant, are located within a project impact area, such sites shall be



## CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT

### Draft Environmental Impact Report

#### Tribal Cultural Resources

subjected to further archaeological and cultural significance evaluation by the project applicant, lead agency, and the applicable tribe(s) to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with California Environmental Quality Act requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease in the vicinity of the find and the County Coroner shall be contacted and notified of the discovery.

#### **Level of Significance After Mitigation**

Less Than Significant Impact with Mitigation.

### **3.16.4 Cumulative Impacts**

CEQA requires that EIRs evaluate the potential cumulative impacts of a project. A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065(a)(3)).

As discussed in Section 3.0, Environmental Analysis, CEQA Guidelines Section 15130 requires cumulative impact analysis in EIRs to consider a list of planned and pending projects that may contribute to the cumulative impacts of a project. Section 3.0, Table 3.0-3 identifies all past, present, and probable future residential projects in the City and surrounding areas that may impact the Project. As identified in Table 3.0-2 in Section 3.0, Environmental Analysis, the geographic scope of impacts for tribal cultural resources is limited to the specific project site. The potential for impacts to occur to known and unknown tribal cultural resources is site-specific and cannot combine with cumulative projects to produce a larger impact and therefore, tribal cultural resources do not contribute to cumulative impacts. As such, a table of related projects that contribute to cumulative tribal cultural resources impacts is not included within this section. However, a programmatic analysis of cumulative tribal cultural resources impacts is provided below.

Based on tribal consultation, research, and the pre-contact context, the area within this Project area of analysis may contain tribal cultural resources that have not been documented or recorded. Additionally, the City is identified to be located in an area of high sensitivity to precontact Native American resources. Therefore, this analysis conservatively assumes that the land within cumulative development areas have the potential to contain tribal cultural resources that are not yet known.

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065[a][3]). Impacts to tribal cultural resources are site-specific and development on cumulative project sites could result in impacts as the cumulative developments are located within the same geographic context for potential tribal cultural resources. The Project and other developments in the City and surrounding communities have the potential to impact tribal cultural resources. However, as identified above, Mitigation Measures TCR-1 and TCR-2 would reduce potential impacts to a less than significant level related to tribal cultural resources. Unless exempt, each cumulative project would require separate





## **CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES PROJECT**

### **Draft Environmental Impact Report**

#### **Tribal Cultural Resources**

discretionary approval and evaluation under CEQA, which would address potential tribal cultural resources impacts and identify necessary mitigation measures, where appropriate. Cumulative developments would be anticipated to require and implement mitigation measures similar to those identified for the Project to reduce potential impacts to tribal cultural resources. Therefore, the Project would not result in a cumulatively considerable impact related to tribal cultural resources.

### **3.16.5 References**

- Bean, Lowell John, and Charles R. Smith. 1978. Gabrielino. In R. Heizer ed., *Handbook of North American Indians*, Volume 8, California, pp. 538–549. Smithsonian Institution, Washington, D.C.
- Kroeber, A.L. 1925. *Handbook of the Indians of California*. Bureau of American Ethnology, Bulletin 78, Washington D.C.
- Moratto, Michael J. 1984. *California Archaeology*. Academic Press, San Diego.
- McCawley, William. 1996. *The First Angelinos: The Gabrielino Indians of Los Angeles*. Malki Museum Press and Ballena Press, Banning and Novato, California.

