

# Appendix J

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Errata

## Errata

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This chapter provides revisions to the text in the Draft IS-MND. The revisions do not constitute “substantial revisions,” as defined by *CEQA Guidelines* Section 15073.5(b) because they do not result in a new significant effect requiring new mitigation measures or project revisions to reduce the effect to insignificance.

Changes to the text of the Draft IS-MND are noted in the Final IS-MND in two ways. Removal or text in the Draft IS-MND are shown by strikeout (~~example~~), and additions to the text are shown by underline (example). This section outlines the sections and page numbers where these changes have been incorporated into the Final IS-MND. The following revisions are minor modifications or have otherwise not been found to affect the impact analysis or conclusions in the Draft IS-MND.

### Mitigation Measure Changes

In accordance with *CEQA Guidelines* Section 15074.1(a), and prior to project approval, a lead agency may substitute mitigation measures for other measures that the lead agency determines are equivalent or more effective without recirculating the Draft IS-MND. As defined in *CEQA Guidelines* Section 15074.1(d), “equivalent or more effective” means that that the new measure will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure. Based on responses to comments from the public review period (Appendix I of the Final IS-MND) and the results of completing consultation per AB 52 with consulting tribes, the following in-text revisions have been made to mitigation measures related to Section 9, *Hazards and Hazardous Materials*, and Section 18, *Tribal Cultural Resources*.

#### Section 9      *Hazards and Hazardous Materials* – Page 68-69

During the public review period for the project, Jennifer Ganata of Communities for a Better Environment (CBE) provided comments regarding Mitigation Measure HAZ-1, stating that the measure lacked specificity as to how it will be accomplished to protect the health and safety of construction works and residents. Refer to Response F-4 of Letter F in Appendix I (Responses to Comments) for additional information. As such, the language in Mitigation Measure HAZ-1 (Arsenic- and Lead-Impacted Soil Removal and Soil Management Plan) from the Draft IS-MND has been revised in the Final IS-MND as follows into more clear and effective Mitigation Measures HAZ-1a (Soil Management Plan) and HAZ-1b (Arsenic- and Lead-Impacted Soil Removal):

### Mitigation Measures

HAZ-1a      ~~Arsenic- and Lead-Impacted Soil Removal and Soil Management Plan~~

The project applicant shall retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan (SMP) prior to construction. Prior to the issuance of a grading permit, the City shall review and approve the SMP, which shall:

- ~~A Soil Management Plan shall be prepared and implemented during remedial soil excavation.~~ Identify activities to mitigate risk to construction workers and the community during construction, and to
- ~~d~~Describe how to properly handle and dispose of arsenic and lead impacted soils.

Soil management practices to ensure construction worker and community safety shall include, but are not limited to stockpile management, investigation procedures, ongoing monitoring, and reporting.

A Health and Safety Plan shall also be prepared for the remedial soil activities to outline the procedures that onsite personnel will follow to minimize the potential for health and safety hazards during the course of work to be performed at the site.

The City shall review and approve the SMP and Health and Safety Plan prior to issuing of a grading permit. The project applicant shall implement the SMP and Health and Safety Plan during demolition, grading, and construction at the project site.

#### *HAZ-1b          Arsenic- and Lead-Impacted Soil Removal*

Soil containing arsenic and/or lead exceeding their respective residential Environmental Screening Levels (ESLs) shall be excavated and disposed offsite- by a qualified environmental consultant (PG or PE) retained by the project applicant. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils. The qualified consultant shall provide disposal recommendations and arrange for proper disposal of the soils and/or provide recommendations for remedial engineering controls, if appropriate.

The City shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to issuance of a grading permit. The project applicant shall review and implement the project site disposal recommendations prior to transportation of waste soils offsite and review and implement the remedial engineering controls prior to construction.

In addition, confirmation soil sampling and analysis for total arsenic and total lead shall be conducted ~~in the excavation sidewalls and bottoms~~ by the qualified environmental consultant, to demonstrate that concentrations above residential ESLs were successfully removed. The City shall review and approve the confirmation soil sampling and analysis prior to issuance of a building permit.

#### *Section 18      Tribal Cultural Resources – Pages 110-115*

The City circulated the Draft IS-MND for a 30-day public review and comment period while consultation with the Kizh Nation remained ongoing. On May 11, 2023, the City met with the Kizh Nation to discuss the mitigation language for potential impacts to tribal cultural resources for the second time. During this meeting, the Kizh Nation requested that their original recommended language be included as mitigation for potential impacts to tribal cultural resources. Following the meeting with the Kizh Nation, the City coordinated with Rincon to revise the mitigation measure language to distinguish action items with both the Gabrieleno Tongva Indians of California and the Kizh Nation as consulting tribes and accommodate simultaneous monitoring by both tribes during ground-disturbing activities associated with project construction. As shown herein, this resulted in

revisions and expansions to Mitigation Measure TCR-2 into TCR-2a through TCR-2d as well as the addition of Mitigation Measure TCR-5.

## **Mitigation Measures**

### *TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities*

The project applicant shall retain Native American monitors from both the Gabrieleño Band of Mission Indians – Kizh Nation and the Gabrielino Tongva Indians of California to monitor ground disturbing activities on a rotating basis during project implementation. The project applicant will be responsible for establishing the Native American monitoring contracts and conveying project information such as location and schedule. The monitors shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project). “Ground disturbing activity” includes, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

A copy of the executed monitoring contracts shall be submitted to the City of Bell prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

### ~~TCR-2 Native American Monitoring of Ground-Disturbing Activities~~

~~The Native American monitors retained under Mitigation Measure TCR-1 shall complete daily monitoring logs that shall 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. Monitoring logs shall identify and describe any discovered Tribal Cultural Resources, including, but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial-associated items. Copies of monitor logs shall be provided to the project applicant and City of Bell within 90 days after the conclusion of monitoring activities.~~

~~On-site tribal monitoring shall conclude when either of the following occurs: (1) written confirmation to both the Kizh Nation and Gabrielino Tongva Indians of California from the City of Bell that all ground-disturbing activities and phases that may involve ground-disturbing activities within the project site are complete; or (2) a determination and written notification by both the Kizh Nation and Gabrielino Tongva Indians of California to the City of Bell that no future, planned construction activity and/or development/construction phase within the project site possesses the potential to impact Tribal Cultural Resources or archaeological resources of Native American origin.~~

~~Upon discovery of any Tribal Cultural Resources, 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 discovery has been fully assessed by the Kizh Nation monitor, Gabrielino Tongva Indians of California monitor, and an archaeologist. The Kizh Nation and Gabrielino Tongva Indians of California shall consult with City on measures to recover and retain all~~

~~discovered Tribal Cultural Resources in the form and manner the Tribes deems appropriate in the Tribes' discretion, and agreed upon through consultation with the City. These measures may include recovering the Tribal materials (excluding human remains) for educational, cultural and/or historic purposes.~~

TCR-2a Native American Monitoring by the Gabrielino Tongva Indians of California Tribal Council

The project applicant shall invite a Native American monitor representing the Gabrielino Tongva Indians of California Tribal Council to monitor during ground-disturbing activities for project construction, including but not limited to site clearing, grubbing, demolition, trenching, and excavation, for the duration of the aforementioned activities or until the City in consultation with the Native American monitor determines monitoring is no longer necessary based on soil conditions and negative findings, whichever occurs first. In the event a mutual agreement cannot be made between the City and the Native American monitor to terminate monitoring services prior to the end of ground-disturbing activities, the Native American monitor shall be given the opportunity to continue monitoring for tribal cultural resources during ground-disturbing activities.

The project applicant shall notify the Gabrielino Tongva Indians of California Tribal Council at least 30 days prior to commencement of ground-disturbing construction activities and request monitoring services. The Tribe must respond to the request for monitoring within 30 days of the notification. The project applicant shall provide the City with a copy of the executed tribal monitoring agreement with the Gabrielino Tongva Indians of California Tribal Council prior to commencement of construction. If no response from the Gabrielino Tongva Indians of California Tribal Council is received within 30 days, project construction can commence without the monitoring services of the Gabrielino Tongva Indians of California Tribal Council for the duration of ground-disturbing construction activities.

On-site tribal monitoring shall conclude when either of the following occurs: (1) written confirmation to the Gabrielino Tongva Indians of California from the City of Bell that all ground-disturbing activities and phases that may involve ground-disturbing activities within the project site are complete; or (2) a determination and written notification by Gabrielino Tongva Indians of California to the City of Bell that no future, planned construction activity and/or development/construction phase within the project site possesses the potential to impact Tribal Cultural Resources or archaeological resources of Native American origin.

The Native American monitor shall prepare daily monitoring logs that provide the location, type and description of the ground-disturbing construction activities performed, soil types, and cultural materials, if discovered. The daily monitoring logs shall describe Native American artifacts, remains, and places of significance, as well as any Native American human remains or burial goods, if identified. The Native American monitor shall submit weekly updates to the City. Upon completion of monitoring activities, the Native American monitor shall prepare and submit a summary statement to the City.

TCR-2b Consultation with the Gabrielino Tongva Indians of California Tribal Council in the Event of Inadvertent Discovery of Tribal Cultural Resources

In the event that Tribal Cultural Resources of Native American origin are identified during construction, work within a 50-foot radius of the find shall be halted and redirected. The City shall initiate Native American consultation procedures with the Gabrielino Tongva Indians of California Tribal Council. If the City, in consultation with the Native American monitor representing the Gabrielino Tongva Indians of California Tribal Council, determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with CEQA and in consultation with the Gabrielino Tongva Indians of California Tribal Council. The mitigation plan may include, but would not be limited to, avoidance of the identified Tribal Cultural Resource, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, and/or other mutually agreed upon measures. The mitigation plan shall be prepared within 30 days of discovery of the find(s) and approved by the City of Bell. This measure does not apply to the finding of human remains which must comply with California Health and Safety Code 7050.5.

TCR-2c Native American Monitoring by the Gabrieleño Band of Mission Indians – Kizh Nation

The project applicant shall invite a Native American monitor representing the Gabrieleño Band of Mission Indians – Kizh Nation to monitor during ground-disturbing activities for project construction, including but not limited to site clearing, grubbing, demolition, trenching, and excavation, for the duration of the aforementioned activities or until the City in consultation with the Native American monitor determines monitoring is no longer necessary based on soil conditions and negative findings, whichever occurs first. In the event a mutual agreement cannot be made between the City and the Native American monitor to terminate monitoring services prior to the end of ground-disturbing activities, the Native American monitor shall be given the opportunity to continue monitoring for Tribal Cultural Resources during ground-disturbing activities.

The project applicant shall notify the Gabrieleño Band of Mission Indians – Kizh Nation at least 30 days prior to commencement of ground-disturbing construction activities and request monitoring services. The Tribe must respond to the request for monitoring within 30 days of the notification. The project applicant shall provide the City with a copy of the executed tribal monitoring agreement with the Gabrielino Band of Mission Indians – Kizh Nation prior to commencement of construction. If no response from the Gabrieleño Band of Mission Indians – Kizh Nation is received within 30 days, project construction can commence without the monitoring services of the Gabrieleño Band of Mission Indians – Kizh Nation for the duration of ground-disturbing construction activities.

On-site tribal monitoring shall conclude when either of the following occurs: (1) written confirmation to the Gabrieleño Band of Mission Indians – Kizh Nation from the City of Bell that all ground-disturbing activities and phases that may involve ground-disturbing activities within the project site are complete; or (2) a determination and written notification by

Gabrieleño Band of Mission Indians – Kizh Nation to the City of Bell that no future, planned construction activity and/or development/construction phase within the project site possesses the potential to impact Tribal Cultural Resources or archaeological resources of Native American origin.

The Native American monitor shall prepare daily monitoring logs that provide the location, type and description of the ground-disturbing construction activities performed, soil types, and cultural materials, if discovered. The daily monitoring logs shall describe Native American artifacts, remains, and places of significance, as well as any Native American human remains or burial goods, if identified. The Native American monitor shall submit weekly updates to the City. Upon completion of monitoring activities, the Native American monitor shall prepare and submit a summary statement to the City.

*TCR-2d Consultation with the Gabrieleño Band of Mission Indians – Kizh Nation in the Event of Inadvertent Discovery of Tribal Cultural Resources*

In the event that cultural resources of Native American origin are identified during construction, work within a 50-foot radius of the find shall be halted and redirected. The City shall initiate Native American consultation procedures with the Gabrieleño Band of Mission Indians – Kizh Nation. If the City, in consultation with the Native American monitor representing the Gabrieleño Band of Mission Indians – Kizh Nation, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with the Gabrieleño Band of Mission Indians – Kizh Nation. The mitigation plan may include, but would not be limited to, avoidance of the Tribal Cultural Resource, capping in place, excavation and removal of the Tribal Cultural Resource, interpretive displays, sensitive area signage, and/or other mutually agreed upon measures. The mitigation plan shall be prepared within 30 days of discovery of the find(s) and approved by the City. This measure does not apply to the finding of human remains which must comply with California Health and Safety Code 7050.5.

*TCR-3 Unanticipated Discovery of Human Remains and Associated Funerary Objects*

Tribal Native American human remains are defined in California Public Resources Code (PRC) Section 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave items in California PRC Section 5097.98, are also to be treated according to this statute.

If human remains and/or grave items are discovered or recognized on the project site, then all construction activities shall immediately cease. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial items, if the Native American monitor(s) determines that resuming construction activities at that distance is acceptable and provides the project proponent and the City express consent of that determination, along with other mitigation measures the Native American monitor and/or archaeologist deems appropriate for protection of the discovery.

If the discovery includes human skeletal material, the find shall be immediately reported to the County Coroner pursuant to California Health and Safety Code Section 7050.5. Pursuant to California PRC Section 5097.98, all ground-disturbing activities shall immediately halt in the vicinity (200 feet) of the discovery and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American origin or has reason to believe they are Native American, they shall contact the Native American Heritage Commission by telephone within 24 hours.

A Most Likely Descendent (MLD) will be assigned by the NAHC to ensure the ancestor(s) will be treated with dignity and respect and the MLD shall complete their inspection and make recommendations or preferences for treatment within 48 hours (California PRC Section 5097.98).

A certified osteologist will be retained to verify the human remains authenticity and work to help remove the ancestor(s) from the site area with the discretion and advise from the MLD. The Tribal monitor(s) assigned to the project will assist the osteologist and archeological monitors in the recovery process. The MLD will determine where the ancestors will be housed pending a final decision for the reinterment of the ancestor(s).

Human remains and grave and burial items shall be treated alike per California PRC Section 5097.98 (d)(1) and California PRC Section 5097.98 (d)(2).

#### *TCR-4 Procedures for Burials and Associated Funerary Objects*

Any soil surrounding burials and any cremation soils shall be treated in the same manner as their associated human remains. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or for the purpose of containing human remains can also be considered as associated funerary objects.

The City and the designated MLD Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. In the event preservation in place is not possible despite good faith efforts by the project applicant and the City, before ground-disturbing activities may resume within the vicinity of the discovery, the City, MLD, and project proponent shall consult and arrange a designated site location within the APE for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the MLD, the City, and the project proponent, at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Recovery of human remains shall be completed by a qualified archaeologist approved by the MLD Tribe. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all associated sacred materials.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site, if possible. These items should be retained and reburied within six months of recovery.



In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours.

The MLD Tribe shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the MLD Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery-related forms of documentation shall be approved in advance by the MLD Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the MLD Tribe, the City, and the NAHC.

#### TCR-5 Tribal Cultural Resource Finds Dispute Resolution

In the event a Tribal Cultural Resource(s) of Native American origin is identified during monitoring, including but not limited to projectile points, chipped stone, groundstone, beads, and shell artifacts, that cannot be directly associated with the Gabrielino Tongva Indians of California Tribal Council or the Gabrieleño Band of Mission Indians – Kizh Nation through analysis, such as deoxyribonucleic acid (DNA) analysis, the City shall request a consultation meeting with the Gabrielino Tongva Indians of California Tribal Council and the Gabrieleño Band of Mission Indians – Kizh Nation to consult on the disposition of the find(s). This measure does not apply to the finding of human remains which must comply with California Health and Safety Code 7050.5. The tribes must respond within 30 days of the consultation request and the meeting shall occur no later than 45 days after the City transmits the request for a consultation meeting. As part of a good faith effort, the City shall reach out to the tribes via telephone up to two times during that 30-day period to attempt to schedule a consultation meeting. If any one tribe does not respond to the City's consultation request within 30 days, the City may consult with the responding tribe as to the disposition of the Tribal Cultural Resource find(s). If both tribes respond to the City's consultation request within 30 days, the City shall consult with both tribes to determine final disposition of the Tribal Cultural Resource find(s) and, if desired by the tribe(s), a reburial ceremony(ies).

Once the consultation effort is complete, the City shall notify the Gabrielino Tongva Indians of California Tribal Council and the Gabrieleño Band of Mission Indians – Kizh Nation in writing as to the final disposition of the Tribal Cultural Resource find(s). The timing and location of any reburial efforts shall be determined by the City based on the construction schedule and availability of a reburial location. Construction activities may continue on site outside the 50-foot radius during the consultation effort and may resume at the location of the find(s) once the find(s) has been secured. In the event a mutual agreement on the treatment of the resource(s) cannot be made between the Gabrielino Tongva Indians of California Tribal Council and the Gabrieleño Band of Mission Indians – Kizh Nation within 30 days of the initial consultation meeting, the City shall rebury the Tribal Cultural Resource find(s) under review on site in a location free from future ground-disturbing construction activities. In the event that neither tribe consults with the City, the City shall rebury the

Tribal Cultural Resource find(s) on site in a location free from future ground-disturbing construction activities.

## Related Minor Changes

As a result of changes to mitigation measures related to hazards and hazardous materials and tribal cultural resources previously discussed, the following minor changes to the text in the Draft IS-MND were necessary to correct names and references to these mitigation measures.

### Section 5      *Cultural Resources – Page 47*

#### **Mitigation Measure**

##### *CR-1    Unanticipated Discovery of Cultural Resources*

In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the resource (refer to Mitigation Measures TCR-1 through ~~TCR-4~~TCR-5). If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the California Code of Regulations (CCR) Guidelines Section 15126.4(b)(3)(C), and in coordination with the Tribe as outlined in TCR-2 and TCR-4. The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review, in consultation with the applicable Native American Tribe (see TCR-2, ~~through TCR-4~~, and TCR-5), and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per CCR Guidelines Section 15126.4(b)(3)(C).

### Section 5      *Cultural Resources – Page 48*

Analysis of potential discovery of Native American human remains is discussed further in Section 18, *Tribal Cultural Resources*, of this IS-MND and under Mitigation Measures ~~TCR-3~~TCR-2 through TCR-4.

### Section 9      *Hazards and Hazardous Materials – Page 68*

Because the project includes removal and re-compaction of on-site soil for geotechnical purposes, concentration of arsenic and lead in portions of the on-site soil present a

potential risk to human health for future project residents. Therefore, the following mitigation measure would be required to excavate and export contaminated soil prior to project construction. With implementation of Mitigation Measures HAZ-1a and HAZ-1b, impacts related to on-site soil contamination would be less than significant.

*Section 11 Land Use and Planning – Page 78*

Also as discussed in Section 9, Hazards and Hazardous Materials, the project would not be exposed to significant impacts related to soil contamination with implementation of Mitigation Measures HAZ-1a and HAZ-1b. As discussed in Section 13, Noise, and Section 20, Wildfire, the project would not be exposed to excessive noise levels or substantial wildfire risk.

*Section 18 Tribal Cultural Resources – Page 110*

In the event such previously unknown TCRs are found, significant effects may occur if the resource is disturbed, destroyed, or otherwise improperly treated. As such, mitigation measures TCR-1 through ~~TCR-4~~TCR-5 would require retention of a Native American monitor prior to the start of ground-disturbing activities, preparation of daily monitoring logs during ground-disturbing activities, and specific procedures in the event such TCRs are uncovered during construction. Implementation of mitigation measure TCR-1 through ~~TCR-4~~TCR-5 would reduce potential impacts to tribal cultural resources to a less than significant level.

*Section 20 Mandatory Findings of Significance – Page 123*

As discussed in Section 5, *Cultural Resources* the proposed project would have a less than significant impact to cultural resources and tribal cultural resources with implementation of Mitigation Measures CR-1 and TCR-1 through TCR-5, which require adherence to existing local, State, and federal regulations related to the discovery of any unanticipated archaeological resources and tribal cultural resources during construction activity.

## **Completion of Consultation Under AB 52**

As previously discussed, the City circulated the Draft IS-MND for a 30-day public review and comment period while consultation with the Kizh Nation remained ongoing. Following circulation of the Draft IS-MND, the City continued consultation with both the Gabrieleño Band of Mission Indians – Kizh Nation and the Gabrielino Tongva Indians of California. These exchanges have been documented in Section 18, *Tribal Cultural Resources*, of the Final IS-MND as follows.

*Section 18 Tribal Cultural Resources – Page 109*

As consultation with the Gabrielino Tongva Indians of California was ongoing at this time, on April 5, 2023, the City provided revised mitigation language to both the Kizh Nation and Gabrielino Tongva Indians of California, ~~identified in this section of the IS-MND as mitigation measures TCR-1 through TCR-4~~, for their respective review and concurrence. On April 5, 2023, the Gabrielino Tongva Indians of California responded with some suggested revisions to the mitigation language. On April 6, 2023, the City sent the revised mitigation language to both the Kizh Nation and the Gabrielino Tongva Indians of California for another round of review. On April 7, 2023, the Gabrielino Tongva Indians of California accepted the mitigation language via email and consultation under AB 52 was concluded with agreement

pursuant to PRC Section 21080.3.2(b)(1). On April 14, 2023, the Kizh Nation responded requesting another meeting to discuss the mitigation language. ~~Consultation with the Kizh Nation is still ongoing at the time of this writing but will be concluded prior to certification of the IS-MND.~~ On May 11, 2023, the City met with the Kizh Nation to discuss the mitigation language once again. During this meeting, the Kizh Nation requested that their original recommended language be included as mitigation for potential impacts to tribal cultural resources. On May 12, 2023, the City circulated the Draft IS-MND for a 30-day public review and comment period while consultation with the Kizh Nation remained ongoing. Following the meeting with the Kizh Nation, the City coordinated with Rincon to revise the mitigation measure language to distinguish action items with both the Gabrielino Tongva Indians of California and the Kizh Nation as consulting tribes and accommodate simultaneous monitoring by both tribes during ground-disturbing activities associated with project construction. As shown in this section, this resulted in revisions and expansions to Mitigation Measure TCR-2 into TCR-2a through TCR-2d as well as the addition of Mitigation Measure TCR-5. Due to this revised language, the City reopened consultation with the Gabrielino Tongva Indians of California and provided both tribes with the revised mitigation language on August 31, 2023 for another round of review. On August 31, 2023, the Gabrielino Tongva Indians of California accepted the mitigation language via email and on September 13, 2023, consultation under AB 52 was concluded with the Gabrielino Tongva Indians of California with agreement pursuant to PRC Section 21080.3.2(b)(1). On August 31, 2023 the Kizh Nation responded stating that they disagree with the revised mitigation language and on September 13, 2023, consultation under AB 52 was concluded with the Kizh Nation without agreement pursuant to PRC Section 21080.3.2(b)(2).

## Conclusion

As demonstrated by the foregoing discussion, the revisions to the Draft IS-MND analysis would replace previous mitigation measures with more effective measures pursuant to CEQA Guidelines Section 15074.1 in response to written public comment received on the Draft IS-MND and completion of AB 52 consultation. The revisions would also not result in any new significant effect requiring new mitigation measures or project revisions to reduce the effect to insignificance. Therefore, the revisions do not warrant recirculation of the IS-MND pursuant to CEQA Guidelines 15073.5(c).

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