

4.18 TRIBAL CULTURAL RESOURCES

| Would the Project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|--------------------------|
| a) Would the project 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, or object with cultural value to the California Native American tribe and that is: | | | | |
| i. listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4.18.1 Environmental Setting

The Ohlone Tribe primarily occupied the coastline in the San Francisco Bay Area, stretching from San Francisco to Monterey Bay. The Ohlone concentrated near inland villages located on the Colma and San Bruno Creeks, as well as a seasonal village on the coast at Mussel Rock. The Ohlone were known to hunt deer, rabbits, fish, wild geese, and ducks in addition to gathering food such as nuts, roots, berries, and shellfish such as mussels and clams. Most of the fishing was done on the inland bay areas, while the coast provided sea otters and seals.

No Tribal Cultural resources were identified within the proposed project area, and pursuant to the Assembly Bill (AB) 52 process completed by the City, no tribes have requested consultation.

4.18.2 Previous Environmental Analysis

City of Daly City General Plan EIR Summary

The General Plan EIR not address the issue of “tribal cultural resources” because its publication in 2013 preceded the passage of California AB 52 of 2014, which expanded CEQA by defining this issue area as a new resource category.

Plan Bay Area EIR Summary

The following summarizes the potential impacts related to tribal cultural resources discussed in Chapter 2.11 of the Plan Bay Area EIR and includes the complete text of mitigation measures previously identified by the Plan Bay Area EIR that are applicable to the proposed project.

Impact 2.11-5: Tribal Cultural Resources. The Plan Bay Area EIR analyzed the potential impact related to substantial adverse change to the significance of a Tribal Cultural Resource (TCR) as defined in PRC Section 21074 and determined that with the implementation of Mitigation Measure 2.11-5, the impact would be less than significant (Refer to Impact TRIB-1 in Section 4.18.3, Project-Specific Analysis).

PBA EIR MM 2.11-5: *If the implementing agency determines that a project may cause a substantial adverse change to a TCR, and measures are not otherwise identified in the consultation process required under PRC Section 21080.3.2, implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary to address site-specific impacts to avoid or minimize the significant adverse impacts:*

- *Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.*
- *Public agencies shall, when feasible, avoid damaging effects to any TCR (PRC Section 21084.3 (a)). If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (PRC Section 21084.3 (b)). Examples include:*
 - *(1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.*
 - *(2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:*
 - *(A) Protecting the cultural character and integrity of the resource*
 - *(B) Protecting the traditional use of the resource*
 - *(C) Protecting the confidentiality of the resource.*
 - *(3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.*

- (4) Protecting the resource.

4.18.3 Project-Specific Analysis

Impact TRIB-1 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:

- i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
 - ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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.**
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Impact Analysis

No known tribal cultural resources were identified at the project site or within 0.25 mile of the project site during the archival records search and literature review performed as part of the cultural resources inventory, and no tribes have requested consultation regarding the proposed project. A field survey of the project area did not identify any archaeological tribal resources at the project site and noted that the project site has been disturbed by grading, construction, and tilling for vegetation management.

The project site is currently developed, and portions are capped. Though very unlikely, subsurface construction activities associated with the proposed project could potentially damage or destroy previously undiscovered unique tribal cultural resources. Therefore, the proposed project would incorporate Mitigation Measure CUL-1 (PBA EIR MM 2.2-2) and Mitigation Measure TRIB-1 (PBA EIR MM 2.11-5), which requires implementation of standard inadvertent discovery procedures and worker awareness training to reduce potential impacts to previously undiscovered subsurface unique tribal cultural resources. With implementation of these mitigation measures, potential impacts would be reduced to a less than significant level.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

Mitigation Measure CUL-1 (PBA EIR MM 2.2-2) and Mitigation Measure TRIB-1 (PBA EIR MM 2.11-5) are required.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation.

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