

**BIOGAS RENEWABLE GENERATION PROJECT
FINAL INITIAL STUDY / MITIGATED NEGATIVE DECLARATION**

ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURE
March 9, 2018

3.17 TRIBAL CULTURAL RESOURCES

3.17.1 Setting

Regulatory Setting

The Legislature added new requirements regarding tribal cultural resources for CEQA in Assembly Bill 52 (AB 52) that took effect July 1, 2015. AB 52 requires consultation with California Native American tribes and consideration of tribal cultural resources in the CEQA process. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a Proposed Project.

3.17.2 Impact Analysis

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
TRIBAL CULTURAL RESOURCES: 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 and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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- a) *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*

No Impact

Based on the results of the Cultural Resources Assessment Report (Appendix C), the Proposed Project would not cause an adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources. The Project would have no impact to historical resources and no mitigation is required.

Mitigation Measures

None required.

- b) *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.*

No Impact

The City has notified California Native American tribes who have formally requested notification on CEQA projects under Assembly Bill 52. This notification affords California Native American tribes the opportunity for consultation pursuant to Public Resources Code § 21080.3.1. The Fernandeno Tataviam Band of Mission Indians and Soboba Band of Luiseno Indians were notified by the City and did not seek further consultation. Therefore, the Proposed Project would have no significant impact to the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Mitigation Measures

None required.