

The Governor’s Office of Land Use and Climate Innovation (LCI) formerly known as the Office of Planning and Research (OPR), Technical Advisory on Evaluating Transportation Impact in CEQA with the new VMT requirement states the following: “For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project.” Here, the term “automobile” refers to on-road passenger vehicles, specifically cars and light trucks (OPR 2018). OPR also indicates that “absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact” (OPR 2018).

According to LCI, lead agencies may generally assume that a project would not have significant VMT impacts if the project would either: (1) generate fewer trips than the level for studying consistency with the applicable congestion management program or (2) where the applicable congestion management program does not provide such a level, fewer than 110 vehicle trips per day. As discussed in item (a), the proposed Project would not exceed the Orange County CMP thresholds. Therefore, the Project uses the screening criterion of 110 net new peak hour vehicle trips as the level at which most projects would not typically generate a substantial increase in VMT. The proposed project would not exceed the 110 peak hour vehicle trips, and therefore, impact would be considered less than significant.

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (No Impact)

The proposed Project would not require the construction of any new public roads or create any new incompatible uses for local roadways. No new private roads would need to be created for the proposed Project. Therefore, there would be no impact.

d. Result in inadequate emergency access? (No Impact)

The existing Hellman Ranch OGPF site has two access points for emergency service vehicles. The addition of the PV solar facility would not alert the existing emergency access to the site. Therefore, there would be no impact on emergency access.

3.4.18 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 § 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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 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"/>

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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:

- 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). (Less Than Significant with Mitigation Incorporated)*

Many archeological investigations have been conducted on the Hellman property over the past 50 years in support of both oil/gas and residential development. The most recent archeological field investigation was done in 2019 in support of a proposed gas plant approximately 320 feet southwest of the current project area (Wahoff 2019). As part of the 2019 study, a records search was conducted at the South Central Coastal Information Center (SCCIC) at California State University at Fullerton.

The 2019 records search revealed that at least 18 previous cultural resources surveys or other archaeological investigations have been conducted within 0.25 miles of the current Project area, and that the entire Project area has been intensively surveyed for archaeological resources on at least four occasions (Archaeological Associates 1980; Rosenthal and Padon 1990; Stickel 1996; York and Willey 2004). None of these field surveys revealed any cultural resources within the Project area, although one (Archaeological Associates 1980) noted two dispersed scatters of marine shell (CA-ORA-850 and -851) located approximately 500 and 50 feet east and northeast of the Project area, respectively.

Other cultural resources within 0.25 mile include CA-ORA-257, -258, and -259, all consisting of remnants of prehistoric shell middens along the crest of Landing Hill to the south of the Project area (Redwine 1958; Stickel 1996; Cleland et al. 2007); P-30-01544, a large but dispersed scatter of marine shell and artifacts located on the Boeing property immediately north of Adolfo Lopez Drive (Underwood 2000); and the Los Alamitos Pump Station, approximately 550 feet north of the Project area (Shepard 2002).

The records search identified seven cultural resources within the 0.25-mile-radius buffer radius of the proposed Project site. These resources include six prehistoric archaeological sites and one historic structure. Of the six archaeological sites, one consists of milling features with a scatter of groundstone or flaked stone artifacts; one is a groundstone scatter with a flaked lithic; one is a lithic and shell scatter, and three have midden deposits. Of these three midden sites, one also includes a shell scatter, and one a scatter of flaked stone and groundstone artifacts. The historic structure is a historic-period flood pump station. None of the resources were located within the Project Area of Direct Impact (ADI).

Given the disturbed nature of the proposed Project site and the fact that limited ground disturbance activities would occur, it is unlikely that cultural resources would be found during the construction

activities. However, given the culturally sensitive nature of the Hellman property and the surrounding areas the mitigation measures CR-1, TCR-1, TCR-2, and TCR-3 should be implemented. Impacts would be considered less than significant with mitigation incorporated.

- 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (Less Than Significant with Mitigation Incorporated)*

For purposes of impact analysis, a tribal cultural resource is considered a site, feature, place, cultural landscape, sacred place, or object which is of cultural value to a California Native American Tribe and is either on or eligible for the California Register or a local historic register.

The City sent notification letters on December 8, 2023 to the California Native American Tribes that requested inclusion on the City's AB 52 notification list. As of the end of March 2024, the City had received one written response from the Gabrieleno Band of Mission Indians – Kizh Nation (Kizh). This comment letter focused on the need for Native American monitoring during ground disturbance at the project site. The City has verbal discussions with a representative of the Gabrielino Tongva Indians of California Tribal Council. Their concern was also about having Native American monitors present during ground disturbance activities.

The Gabrielino Tongva Indians of California Tribal Council has historically done archeological/Native American monitoring on the Hellman Properties and had been to the proposed Project site for consultation with the Applicant. The Applicant has agreed to use Gabrielino Tongva Indians of California Tribal Council members to conduct archeological/Native American monitoring of all ground disturbance activities associated with the proposed Project. In addition, the Applicant has committed to having an archeologist present during all ground disturbance activities.

Given the culturally sensitive nature of the Hellman property and the surrounding areas the mitigation measures CR-1, TCR-1, TCR-2, and TCR-3 should be implemented. Impacts would be considered less than significant with mitigation incorporated.

Avoidance, Minimization and/or Mitigation Measures

Mitigation Measure TCR-1: Native American Monitoring – The project Applicant shall retain a Native American Monitor that shall be approved by the City of Seal Beach. The monitor shall be retained prior to the commencement of any ground-disturbing activity associated with the project. Ground-disturbing activity shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the monitoring agreement between the Applicant and the Native American monitor shall be submitted to the City as of the approval process.

The Native American monitor may complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, any cultural-related materials found, and any other facts, conditions, materials, or discoveries of significance. Monitor logs shall identify and describe any discovered tribal cultural resources (TCRs), 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 goods. Copies of monitor logs shall be provided to the project Applicant/City upon written request to the Native American monitor.

Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial) – 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 Native American Monitor and archeologist. The Native American Monitor shall 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 – 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. 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. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

3.4.19 Utilities/Service Systems

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Hellman Ranch OGP is served by Southern California Edison (SCE) for electrical power and by the City of Seal Beach water and wastewater infrastructure. The PV solar facility would be a net generator of