

5.0 ENVIRONMENTAL IMPACT ANALYSIS

10. TRIBAL CULTURAL RESOURCES

1. INTRODUCTION

This section of the Supplemental Environmental Impact Report (SEIR) analyzes the Modified Project's impacts on tribal cultural resources, as compared to the 2017 Project's impacts analyzed in the State-certified EIR. This analysis of tribal cultural resources (TCRs) relies upon searches, surveys, and analysis conducted for the Modified Project by John Minch and Associates, Inc. (JMA), described in *CEQA Evaluation of Cultural Resources Survey Reports—Entrada South and Valencia Commerce Center Survey Areas* (Cultural Resources Report), dated August 2023, and consultation conducted between the County of Los Angeles (County) and the California Native American tribes who have requested notification in accordance with Assembly Bill (AB) 52. To support the analysis of whether the Modified Project could result in any new significant or more severe impacts than disclosed in the State-certified EIR, in coordination with tribal representatives from the Fernandeano Tataviam Band of Mission Indians and the Santa Ynez Band of Chumash Indians, JMA conducted two Phase I Cultural Resources Surveys of the Modified Project Site as well as a Phase II Cultural Resources Investigation. The results of the above are summarized and analyzed in the Cultural Resources Report prepared for the Project included in **Appendix 5.3** of this SEIR.^{1,2}

TCRs include sites, features, places, cultural landscapes, sacred places, and objects with significant cultural value to a California Native American tribe that are included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register); included in a local register of historical resources (in this case, the Los Angeles County Historical Landmarks Registry); or a resource officially designated or recognized as historically significant by a local government pursuant to a local ordinance or

¹ *The County's AB 52 consultation notification and related documentation are included as Confidential Appendix A of the Cultural Resources Report which is included as **Appendix 5.3** of this Draft EIR. This confidential appendix is on file at the County of Los Angeles Department of Regional Planning for review by authorized individuals.*

² *The Phase I Cultural Resource Surveys and Phase II Cultural Resources Investigation are on file at the Los Angeles County Department of Regional Planning.*

resolution: or determined by a lead agency to be significant under California Register criteria (Public Resources Code [PRC] Section 21074).

Related discussion of archaeological resources and an analysis of the Modified Project's impacts to such resources are addressed in **Section 5.3**, Cultural Resources, of this SEIR.

2. ENVIRONMENTAL SETTING

a. Regulatory Setting

An overview of the regulatory setting is provided in **Table 5.10-1**, Tribal Cultural Resources Regulatory Overview, beginning on page 5.10-3 and a detailed discussion is provided below.

(1) Federal Regulations

(a) Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal lands and Indian lands.

(b) Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally affiliated Indian tribes.

(2) State Regulations

(a) California Public Resources Code

California PRC Section 5097.98, as amended by AB 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (NAHC), upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide

**Table 5.10-1
Tribal Cultural Resources Regulatory Overview**

Issue Area and Relevant Legislation	Applicable Agency
Federal Regulations	
<p>Archaeological Resources Protection Act</p> <p>The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal lands and Indian lands.</p>	Department of the Interior
<p>Native American Graves Protection and Repatriation Act</p> <p>The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally affiliated Indian tribes.</p>	Department of the Interior
State Regulations	
<p>California Public Resources Code</p> <p>California PRC Section 5097.98, as amended by AB 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (NAHC), upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains.</p>	Native American Heritage Commission, County of Los Angeles
<p>California Health and Safety Code</p> <p>The discovery of human remains is regulated per California Health and Safety Code Section 7050.5, which states that:</p> <p><i>In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation ... until the coroner ... has determined ... that the remains are not subject to ... provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and ... has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.</i></p>	County of Los Angeles
<p>California Senate Bill 18</p> <p>Senate Bill (SB) 18, enacted in 2004, establishes requirements on local governments for the adoption, revision, amendment, or update of a city or county's general plan within or near traditional tribal cultural places. These</p>	County of Los Angeles

Table 5.10-1 (Continued)
Tribal Cultural Resources Regulatory Overview

Issue Area and Relevant Legislation	Applicable Agency
<p>places may include sanctified cemeteries, religious and ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites, which have been shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. The Modified Project does not require a general plan amendment. As a result, SB 18 does not apply to the Modified Project.</p>	
<p>Assembly Bill 52 AB 52 (PRC 21073-21084) amended the California Environmental Quality Act (CEQA) on September 25, 2014 to require that the analysis of project impacts on cultural resources include an analysis of impacts on TCRs. AB 52 requires lead agencies to evaluate a project's potential to affect TCRs and establishes a consultation process for California Native American tribes as part of CEQA.</p> <p>PRC Section 21080.3.2(a) lists consultation topics that may be discussed, including TCRs, project alternatives, project impacts, and possible mitigation measures.</p>	County of Los Angeles
<p>Government Code Sections 6254(r), 6254.10, and CEQA Guidelines Section 15120(d) Provisions of the Government Code protect the confidentiality of archaeological sites to prevent unauthorized excavation, looting, or vandalism. The Government Code provides for the confidentiality of information relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." It specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency."</p>	Native American Heritage Commission, County of Los Angeles
County Regulations	
<p>Los Angeles County Historic Preservation Ordinance The Los Angeles County Board of Supervisors adopted the County's Historic Preservation Ordinance (HPO) on September 1, 2015 (Ord. 2015-0033 § 3, 2015). The HPO establishes criteria for designating landmarks and historic districts and provides protective measures for designated and eligible historic resources. The HPO applies to all privately owned property within the unincorporated territory of the County and all publicly owned landmarks, except properties that were not listed prior to the issuance of a demolition permit or properties affiliated with religious organizations. The HPO defines a landmark as "any property, including any structure, site, place, object, tree, landscape, or natural feature, that is designated as a landmark by the Board of Supervisors." The HPO defines a historic district as, "A contiguous or noncontiguous geographic area containing one or more contributing properties which has been designated as an historic district by the Board of</p>	County of Los Angeles

Table 5.10-1 (Continued)
Tribal Cultural Resources Regulatory Overview

Issue Area and Relevant Legislation	Applicable Agency
Supervisors.” Landmarks and historic districts may be designated if it is fifty years of age and meets one of the applicable criteria detailed below.	
<hr/> <p><i>Source: Eyestone Environmental, 2024.</i></p>	

recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the landowner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance. PRC Section 5097.99 prohibits acquisition or possession of Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1984, except in accordance with an agreement reached with the NAHC.

PRC Section 5097.5 provides protection for tribal resources on public lands, where Section 5097.5(a) states, in part, that:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

(b) California Health and Safety Code

The discovery of human remains is regulated per California Health and Safety Code Section 7050.5, which states that:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation ... until the coroner ... has determined ... that the remains are not subject to ... provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible The coroner shall make his or her determination within two working days

from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and ... has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

(c) California Senate Bill 18

Senate Bill (SB) 18, enacted in 2004, establishes requirements on local governments for the adoption, revision, amendment, or update of a city or county's general plan within or near traditional tribal cultural places (TTCP). These places may include sanctified cemeteries, religious and ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites, which have been shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. The Modified Project does not require a general plan amendment. As a result, SB 18 does not apply to the Modified Project.

(d) Assembly Bill 52

AB 52 (PRC 21073-21084) amended the California Environmental Quality Act (CEQA) on September 25, 2014 to require that the analysis of project impacts on cultural resources include an analysis of impacts on TCRs. AB 52 requires lead agencies to evaluate a project's potential to affect TCRs and establishes a consultation process for California Native American tribes as part of CEQA.

As set forth in PRC Section 21074, TCRs are defined as follows.

(a) "Tribal cultural resources" are either of the following:

(1) Sites, features, places, and objects with cultural value to descendant communities or cultural landscapes, that are any of the following:

(A) Included in or eligible for inclusion in the California Register.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) 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 Section 5024.1. In applying the

criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency will consider the significance of the resource to a California Native American tribe.

- (b) *A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*
- (c) *A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).*

AB 52 applies to those projects for which a lead agency has issued a NOP of an EIR or notice of intent to adopt a negative declaration on or after July 1, 2015.³ A “project” refers to the underlying activity which may be subject to approval by one or more governmental agencies; it does not refer to each of the several approvals sequentially issued by different agencies.⁴ The NOP for the State-certified EIR was released in January 2004, consequently these requirements are not applicable to the Modified Project. Nevertheless, Native American consultation in accordance with AB 52 was performed as noted above. Under AB 52 consultation, the lead agency is required to consult with California Native American tribes that are traditionally and culturally affiliated with the project area if (1) the tribe requests to the lead agency in writing to receive notification of projects; and (2) the tribe requests consultation on a specific project prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Consultation is defined as:

... the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes will be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation will also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.⁵

³ AB 52, Section 11(c).

⁴ CEQA Guidelines 15378(c).

⁵ Government Code Section 65362.4.

PRC Section 21080.3.2(a) lists consultation topics that may be discussed, including TCRs, project alternatives, project impacts, and possible mitigation measures.

Consultation ends when one of the following outcomes occurs:

1. Both parties agree to measures to avoid or mitigate significant effects on a TCR. The agreed-upon mitigation measures are included in the environmental document (PRC Section 21082.3(a)); or
2. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Sections 21080.3.2(b)(1-2) and 21080.3.1(b)(1)).

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the TCRs, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

(e) Government Code Sections 6254(r), 6254.10, and CEQA Guidelines Section 15120(d)

Provisions of the Government Code protect the confidentiality of archaeological sites to prevent unauthorized excavation, looting, or vandalism. The Government Code provides for the confidentiality of information relating to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” It specifically exempts from disclosure requests for “records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency.”

(f) California Penal Code

California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of

archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”

California Penal Code Section 623 provides the following: “Except as otherwise provided in Section 599c, any person who, without the prior written permission of the owner of a cave, intentionally and knowingly does any of the following acts is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment: (1) breaks, breaks off, cracks, carves upon, paints, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, mars, or harms any natural material found in any cave. (2) disturbs or alters any archaeological evidence of prior occupation in any cave. (3) kills, harms, or removes any animal or plant life found in any cave. (4) burns any material which produces any smoke or gas which is harmful to any plant or animal found in any cave. (5) removes any material found in any cave. (6) breaks, forces, tampers with, removes or otherwise disturbs any lock, gate, door, or any other structure or obstruction designed to prevent entrance to any cave, whether or not entrance is gained.

(3) County Regulations

(a) Los Angeles County 2035 General Plan

The Los Angeles County General Plan, Conservation and Natural Resources Element, contains the following policies regarding cultural resource protection:

Goal 14: *Protected historic, cultural, and paleontological resources.*

Policy 14.1: Mitigate all impacts from new development on or adjacent to historic, cultural, and paleontological resources to the greatest extent feasible.

Policy 14.2: Support an inter-jurisdictional collaborative system that protects and enhances historic, cultural, and paleontological resources.

Policy 14.4: Ensure proper notification procedures to Native American tribes in accordance with Senate Bill 18 (2004).

Policy 14.6: Ensure proper notification and recovery processes are carried out for development on or near historic, cultural, and paleontological resources.

(b) Los Angeles County Historic Preservation Ordinance

The Los Angeles County Board of Supervisors adopted the County’s Historic Preservation Ordinance (HPO) on September 1, 2015 (Ord. 2015-0033 § 3, 2015). The HPO establishes criteria for designating landmarks and historic districts and provides

protective measures for designated and eligible historic resources. The HPO applies to all privately owned property within the unincorporated territory of the County and all publicly owned landmarks, except properties that were not listed prior to the issuance of a demolition permit or properties affiliated with religious organizations. The HPO defines a landmark as “any property, including any structure, site, place, object, tree, landscape, or natural feature, that is designated as a landmark by the Board of Supervisors.” The HPO defines a historic district as, “A contiguous or noncontiguous geographic area containing one or more contributing properties which has been designated as an historic district by the Board of Supervisors.” Landmarks and historic districts may be designated if it is fifty years of age and meets one of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of the history of the nation, State, County, or community in which it is located;
- It is associated with the lives of persons who are significant in the history of the nation, State, County, or community in which it is located;
- It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of an architect, designer, engineer, or builder whose work is of significance to the nation, State, County, or community in which it is located; or possesses artistic values of significance to the nation, State, County, or community in which it is located;
- It has yielded, or may be likely to yield, significant and important information regarding the prehistory or history of the nation, State, County, or community in which it is located;
- It is listed, or has been formally determined eligible by the United States National Park Service for listing, in the National Register of Historic Places, or is listed, or has been formally determined eligible by the State Historical Resources Commission for listing, on the California Register of Historical Resources;
- If it is a tree, it is one of the largest or oldest trees of the species located in the County; or
- If it is a tree, landscape, or other natural land feature, it has historical significance due to an association with an historic event, person, site, street, or structure, or because it is a defining or significant outstanding feature of a neighborhood.

No previously designated landmarks or historic districts under the HPO are located on the Modified Project Site.

b. Environmental Setting

As discussed further below, the survey areas evaluated in the Cultural Resources Report generally include the Entrada South and Valencia Commerce Center (VCC) Planning Areas. Refer to **Section 5.3**, Cultural Resources, of this SEIR for a description of the historic setting within the survey areas. The contextual information provided in the environmental setting below pertains more broadly to the general Project vicinity and the Santa Clara River Valley.

(1) Prehistoric Cultural Setting

As described in the Cultural Resources Report, the Early period generally coincides with the Millingstone Horizon which dates from around 7,000 to 4,000 years before present (B.P.). The Early period is characterized by an increase in population densities along the coastal mainland, artifact assemblages consisting mostly of large millingstones, such as manos, metates, and stone bowls, and a general scarcity of finely flaked stone tools. Archaeological evidence from this period shows an increase in diversification of food resources, such as shellfish, birds, and small mammals. Early mainland coastal groups exploited bay and estuary marine habitats, but the diet from this period appears to have relied heavily on the processing and milling of hard seeds. Sites in the general Santa Clara River Valley region are purported to be rare, but two sites located near Vasquez Rocks give evidence of an Early period occupation. The temporal designations for the Vasquez Rocks sites are based on the presence of a small number of *Olivella sp.* barrel beads. However, the apparent lack of Early period sites in the region remains controversial.

The Middle period (3,500 to 1,500 years B.P.) followed and is identified by a shift to mortars and pestles for processing plant foods and an increase in the density of hunting-related tools in artifact assemblages recovered from archaeological sites. It is during the Middle period that the archaeological record exhibits the development of ritual specialists and increased ceremonial integration in the Chumash region. Evidence for a vast network of trade and exchange emerged during the Middle period. Items such as shell beads manufactured on the Channel Islands appear in inland sites on the mainland. In exchange, obsidian was traded from the inland deserts to the coastal regions and both the northern and southern Channel Islands. It is likely that these materials were traded through the Santa Clara River Valley drainage system, which makes the survey area a highly significant corridor for contact between coastal and inland populations. The Santa Clara River Valley served as a conduit for the exchange of material, people, and ideas linking the coast with areas far to the east, including Tataviam, Kitanemuk, and Serrano tribes.

Evidence of Middle period occupation comes from radiocarbon, obsidian hydration, and typological dating from a number of sites in this region. For example, the Agua Dulce village complex's occupation extends back to this period and represents a time marked by

increasing population size and the beginning of significant exploitation of mid-altitude environments. With the Middle period in this area came major expansion in settlement, the establishment of large site complexes, and larger areas of environmental exploitation. Three sites in the vicinity of the survey areas have been dated to the Middle period: LAN-2133, LAN-2233, and LAN-2235. According to some researchers, the Middle period represents the first significant occupation of the Upper Santa Clara River Valley drainage area.

Late Prehistoric period sites are more plentiful in this region. This period (from 1,500 to about 200 years B.P.) marks a time of a continuing increase in population size. In fact, the Agua Dulce village complex's population grew to approximately 200 to 300 people around A.D. 1500 to 1600. Along the coast the Late period is characterized by a notable increase in coastal settlements and marine subsistence, particularly fishing. An intensification of fishing is observed in coastal sites, along with significant changes in technology and social organization. Technological changes to marine subsistence patterns include the introduction of the circular shell fishhook and net weights, which allowed for coastal populations to significantly expand their diet. Inland populations developed innovations in lithic technology which allowed for intensified hunting, and further diversified their subsistence with an increase in acorn production, pulpy tubers and roots, as well as marine resources. There was also an increase in artifact specialization and diversification, with the change from spear points to bow and arrow points in projectile point technology being perhaps the most notable shift. An increase in sedentism occurs in this period as evidence of extended occupation is observed in archaeological records, particularly in the coastal region. By the beginning of the Late period, mortuary practice was significantly more homogeneous throughout the Chumash region compared to the Early and Middle periods. Wealth and status differentiation are apparent in mortuary assemblages and more elaborate ornamentation is observed, suggesting a change in social and political complexity. This feature accompanies evidence of an increase in trade and exchange between coastal and inland populations.

(2) Ethnohistoric Period Setting

As described in the Cultural Resources Report, Tataviam is the name of the Native American ethnolinguistic group that inhabited the Santa Clarita Basin region in the upper Santa Clara River Valley drainage area. The term Tataviam apparently is the name that their Kitanemuk neighbors called them and translates approximately to "people of the south-facing slopes," as the Upper Santa Clara River Valley drainage is dominated by south-facing terrain. The Tataviam territory has traditionally been considered to extend from the upper reaches of Soledad Canyon westward along the crest of the Santa Susana Mountains to the confluence of the Santa Clara River and Piru Creek, extending from there northward to Quail Lake below Tejon Pass. However, a more recent reanalysis of ethnographic information and mission register data by Chester King led him to conclude

that the territory of the Tataviam extended further south to include a portion of the western San Fernando Valley. Other researchers suggest exercising caution in redefining long-accepted ethnographic/linguistic boundaries. In any case, little is known about the Tataviam due to high death rates during the mission period and intermarriage with other tribes in the post-mission period. Nonetheless, ethnohistoric and archaeological data support the assessment that the Tataviam were a tribe whose language made up a branch of the Takic language and therefore was part of the Uto-Aztecan linguistic family. The Tataviam language is linguistically closely related to other Takic speaking peoples who inhabited regions to the south (i.e., the Tongva/Gabrieleño), people to the east (the Serrano), the Kitanemuk to the north, and other southern California Takic languages that are included in the Uto-Aztecan language family. After the arrival of Spanish colonists during the Historic period, the Tataviam population suffered a dramatic decrease due to introduced diseases and the effects of missionization which included relocation of dispersed groups to localized centers (i.e., the missions), where diseases spread more easily. This process reduced the population in the Upper Santa Clara River Valley when the Tataviam relocated to Mission San Fernando in the San Fernando Valley to the south.

(3) Fernandeano Tataviam Band of Mission Indians Tribal Ethnography

The distinct community of the present-day Fernandeano Tataviam Band of Mission Indians (referred to in this section as “the Tribe”) originated in the lineages, villages and cultures of the period preceding the establishment of Mission San Fernando, from which the natives received the name Fernandeano. Mission San Fernando was established on September 8, 1797, at the village of *Achoicominga* (Mission Hills) and, for years following, enslaved Native Americans from the lineages in the geographically surrounding areas, ranging from present-day Simi Valley, San Fernando Valley, Santa Clarita Valley, and Antelope Valley. Today, the Tribe consists of a voluntary coalition of those lineages bound together by a tribal constitution.

Traditionally, there was no collective tribal entity above the lineage. Before the founding of Mission San Fernando, each lineage, also called a tribelet, was autonomous and self-governing, lived within villages that were associated with regional areas or territories, and were defined culturally by the regional group. Each tribelet held territory and maintained political and economic sovereignty over its local area, but was also linked through social exchange to neighboring villages and their lineages. The lineages consisted of speakers from the Takic branch of the Uto-Aztecan language, who intermarried with natives from other linguistic groups within the area, and strengthened economic, social, and cultural relations with those outside of their language and lineage groups by practicing exogamy. It is a fundamental error to conflate language groups with political and social groups, especially in California, where such groups are not the same. The Tribe today uses “regional groups” as a term to collectively identify a group of lineages that are

associated with a specific area and culture for the purpose of this tribal-centered ethnography.

The Tribe uses *Fernandeño* as an all-encompassing term to represent the native people of diverse territories who were forced into indentured servitude by Mission San Fernando during the Spanish period. Of the distinct regional groups associated with Mission San Fernando, including the Tataviam, Pipimaram, Serrano, Amutskajam, Vanyume, and Chumash, the regional group directly associated with the lands encompassed by the Modified Project is the Tataviam.

Prior to relocation to Mission San Fernando, villages were typically established near permanent reliable water sources in the region, including streams, rivers, and lakes. Several major Tataviam villages were located in areas surrounding the Modified Project area. The village of *Chaguayanga/Tsawayung* was situated within the Santa Clara River Valley at the confluence with Castaic Creek. Other Tataviam villages were located in the San Francisquito, Piru, Camulos, Castaic Reservoir, Piru Creek, and Elizabeth Lake areas.

Archaeological and ethnographic reports indicate that these villages varied from large centers with an estimated 150 to 200 people, intermediate villages of 20 to 60 people, to small settlements containing 10 to 15 people. Many of the larger villages were typically organized through patrilineal lineages and were occasionally managed by a single political leader or by many types of leaders with different responsibilities, a system commonly attributed to Takic societies. In contrast, smaller group settlements likely consisted of nuclear families or extended families who occupied temporary camps throughout different times of the year. These extended members residing in Tataviam settlements may have been speakers of different language groups.

The *Fernandeños* exercised power over territory, self-government, a judicial system, and upheld a network of social, economic, and political ties to other lineages over an extensive area. The lineages are distinct from the physical locations in which they resided. While the actual villages occupied by individual tribelets were abandoned when the natives were enslaved at Mission San Fernando, their lineages persisted. The entire *Fernandeño* region formed a network of intermarriages that produced the basis for cooperative economic and social exchanges. Each lineage group, from which citizens of the Tribe descend, were economically, socially, and politically autonomous. The lineage system continued as the major form of social and political organization through the Spanish period and is the primary form of indigenous organization among the present-day *Fernandeños*.

Today, the Tribe represents the continuity of the regional pattern of politically independent lineages related through selected intermarriage and regional ceremonial participation. This coalition consists of three principal lineages traditionally known as

Siutcabit, Tujubit, and Kavwevit. As the lineage members were forced to speak English in the late 19th Century, they adopted the surname of their lineage leader. Today, these three lineages are known as the Ortega lineage (representing ancestor Maria Rita Alipas Ortega), the Garcia lineage (representing ancestor Josephine Leyvas Garcia), and the Ortiz lineage (representing ancestor Joseph Ortiz).

The Ortega, Garcia, and Ortiz lineages consist of members whose Tataviam ancestors lived on, maintained, or had social ties to *Chaguayanga/Tsawayung*. For example, the Ortega lineage holds direct descendancy to the village of *Chaguayanga* through Tataviam ancestor Juan Maria, a first generation convert at Mission San Fernando. Juan Maria is the paternal ancestor to Francisco Papabubaba who, jointly with Roque and Roman, petitioned the Mexican governor for a deed to one square league at Rancho Encino. On July 24, 1845, Papabubaba received 4,460 acres of Rancho El Encino (Encino), but also maintained a trade and social network with the lineage at *Chaguayanga* approximately 20 miles to the north. When Papabubaba married Paula Cayo, a native of *Suitcanga* (Encino) and *Tapuu* (Tapo Canyon area) in 1827, a native of Cahuenga (Burbank area) and ancestor of the Ortiz lineage named Conrado Leyva was a witness to their marriage, which further reinforced inter-lineage ties.

In a second example of inter-lineage networking, Samuel, a native of *Chaguayanga*, became the godparent of Ortega ancestors in 1831, but also strengthened his ties with the Ortiz lineage through land exchange. On March 1, 1851, Samuel gifted the 200 acres deeded to him by the Mexican governor to Jose Miguel Triunfo's two sons, who are progenitors of the Ortiz lineage. As caretakers of the 200 acres, the progenitors of the Ortiz lineage maintained a trade and social network with *Chaguayanga* through Samuel in the early years of California's statehood.

In a third example, the Garcia lineage is tied to *Chaguayanga* through Tataviam ancestor Cornelio, who was born into the lineage there. Oral history suggests that Cornelio was living at *Chaguayanga* before being enslaved at Mission San Fernando in 1803. His wife Maria Antonia was also a member of *Chaguayanga* through both of her parents, Amando and Amanda. This connection to *Chaguayanga* suggests that the Garcia lineage ancestors were relatives to, and living with, the Ortega ancestors contemporaneously on the lands where the Modified Project Site is located.

The Fernandeano community intermarried, took on godparenting relations, and bore witness at marriages, which reinforced a web of ties between lineages. While ancestry is one form of relationality, traditional stories, lifeways, and historic events and occupations since time immemorial weave the Fernandeano Tataviam people to the land occupied by the Modified Project Site in complex, indescribable ways.

c. Archival Research and Summary

The following summary of the archival record search and sacred lands file search is based on the Cultural Resources Report.

(1) Archival Record Search

JMA conducted a record search of the California Historical Resources Inventory System (CHRIS) at the South Central Coastal Information Center (SCCIC) at California State University Fullerton. Results of the record search included reports of previous cultural resource studies, surveys, reports, as well as site records of known archaeological sites, isolated artifacts, historic structures, historic maps, etc., as provided in the Cultural Resources Report.

Results of the CHRIS record search revealed that the tracts of land of the respective survey areas had been surveyed for cultural resources in the past but that there were no previously recorded archaeological sites within either of the survey areas. With the exception of newly discovered archaeological sites associated with Tract 61105 (Mission Village project), the closest previously recorded cultural resources are located approximately one kilometer north of the Entrada South survey area boundary. These are the location of the original Newhall Ranch headquarters buildings (CA-LAN-961H), the structures of which having been previously removed, and the Asistencia adobe ruins (LAN-962H). As discussed in the Cultural Resources Report, JMA also evaluated previously completed surveys of the Entrada South and VCC Planning Areas.

(2) Sacred Lands File Search

JMA conducted a Sacred Lands File search with the NAHC. The results of the 2019 Sacred Lands File search revealed that no sacred Native American places had been recorded with the NAHC within the boundaries of the Entrada South survey area.

In December 2021 the Principal Investigator conducted a record search of the NAHC Sacred Lands File regarding the VCC Survey Area. The results of the 2021 Sacred Lands File search revealed that one or more Native American sacred places have been recorded with the NAHC within the boundaries of the survey area. Subsequently, all Native American Tribes and interested individuals on the contact list provided by the NAHC were sent a letter soliciting any information or comments regarding the survey area that they wished to share. The Principal Investigator received responses from representatives of three tribes and engaged in consultation with these parties. Although the NAHC reported the presence of one or more sacred places in their Sacred Lands File, no further information was obtained through direct Tribal consultation regarding the location or nature

of any sacred place within the VCC Survey Area, and therefore no resource was identified within the VCC Survey Area.

(3) Previous Investigations

The tracts of land comprising the respective survey areas had been previously surveyed for cultural resources. Specifically, in 2001, W&S Consultants conducted a survey of 942 acres of land that included the Entrada South survey area. No archaeological sites or cultural resources were identified within the portion of the 2001 survey area that comprises the current Entrada South survey area.

d. Site Surveys and AB 52 Consultation

(1) Surveys⁶

Entrada South Planning Area

JMA completed new surveys to evaluate impacts associated with the Modified Project, as detailed in the Cultural Resources Report. A pedestrian Phase I survey of the Entrada South Planning Area was conducted by JMA in coordination with tribal representatives from the Fernandeano Tataviam Band of Mission Indians and the Santa Ynez Band of Chumash Indians.⁷

During the on-foot survey, special attention was paid to geomorphological conditions that affect the preservation of archaeological remains. Three potential archaeological sites and ten isolated potential artifacts were identified and discovered as a result of the pedestrian survey. An archaeological site is preliminarily defined as a concentration of three or more artifacts within approximately five meters of each other, and an isolated artifact is defined as an artifact found singly and not in association with other artifacts or features. Of the ten isolated potential artifacts, eight were found to be lithic flakes or lithic cores, and the other two were a scraper plane and an unshaped expedient pestle, which were determined to be potential cultural artifacts.

⁶ *The Phase I Cultural Resource Surveys and Phase II Cultural Resources Investigation referenced herein are on file at the Los Angeles County Department of Regional Planning.*

⁷ *The JMA survey covered the portions of the Entrada South Planning Area that were not previously addressed in the surveys conducted as part of the Mission Village EIR (SCH No. 2005051143). Specifically, the area associated with the extension of Magic Mountain Parkway, which is now complete, was evaluated in the Mission Village EIR and thus is not included in JMA's survey of the Entrada South Planning Area.*

Based on the results of the Phase I survey, a Phase II Cultural Resources Investigation of the Entrada South Planning Area was conducted by JMA in coordination with tribal representatives from the Fernandeano Tataviam Band of Mission Indians and the Santa Ynez Band of Chumash Indians for the three identified potential archaeological sites. The investigation entailed an excavation testing program in order to identify and evaluate any subsurface archaeological deposits.

Excavation units were placed at various locations within each site in order to sample the horizontal extent of potential resources in the Entrada South Planning Area. When potential artifacts were encountered, they were collected, photographed, and recorded. Additional examination was conducted in the lab. A summary of the findings at these sites is provided below, and additional details are provided in **Appendix 5.3** of this SEIR.

- Site 1—A prehistoric archaeological site, Site 1 is a lithic scatter site situated in the Entrada South Planning Area within a small side canyon along a north-south trending ridge.
- Site 2—An archaeological site, Site 2 is a lithic scatter site in the Entrada South Planning Area extending along a north south trending ridge.
- Site 3—An archaeological site, Site 3 is a low-density lithic scatter with flaked stone artifacts widely distributed along a ridge trending generally northeast-southwest in the Entrada South Planning Area.

For the three sites, the combination of observed surface artifacts and subsurface deposits suggests that these sites were primarily locations where lithic raw material was surface quarried and expediently flaked in order to test their suitability as tool stone. In addition, a limited amount of plant food processing may have occurred as suggested by one larger flake with micro flake scars (indicating it was used as a tool for scraping other material(s)), the possible grinding slab/metate, and the mano. In addition, several pieces of marine shell were observed and through radiocarbon dating determined to be from over of 43,000 radiocarbon years before present; thus, they represent fossil remnants rather than cultural artifacts.

VCC Planning Area

A pedestrian survey of the VCC Planning Area was conducted by JMA in coordination with tribal representatives from the Fernandeano Tataviam Band of Mission Indians and the Santa Ynez Band of Chumash Indians. There were no historic or archaeological sites identified within the VCC Planning Area as a result of the pedestrian survey. Four isolated artifacts were identified, recorded, and collected within the portion of the survey area located outside of the VCC Planning Area. Three of the four isolated

artifacts are lithic flakes or lithic cores. The fourth isolated artifact appeared to be a possible fragment of a broken metate (i.e., grinding slab).

(2) AB 52 Consultation Process

Pursuant to AB 52, the County of Los Angeles Department of Regional Planning emailed and mailed through U.S. Certified Mail AB 52 Tribal Consultation Notice letters/e-mails for the Project on December 1, 2021, to the following California Native American tribes that requested notification (except for the Santa Ynez Band of Chumash Indians which was sent the Notice on December 8, 2021):

- Fernandeano Tataviam Band of Mission Indians
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Gabrieleño Band of Mission Indians—Kizh Nation
- San Manuel Band of Mission Indians
- Tejon Indian Tribe
- Santa Ynez Band of Chumash Indians

Four of the notified tribes responded to the County's AB 52 Tribal Consultation Notice letter within the 30-day response period, including the Fernandeano Tataviam Band of Mission Indians, Gabrielino/Tongva San Gabriel Band of Mission Indians, San Manuel Band of Mission Indians, and Santa Ynez Band of Chumash Indians.⁸ The responses are generally summarized below, with additional details provided in Confidential Appendix A of the Cultural Resources Report, which is included in **Appendix 5.3** of this Draft EIR. The tribal response letters/e-mails are treated as confidential pursuant to PRC Section 21082.3(c)(1) because some tribes have requested that such correspondences be treated as confidential in the past, as a conservative measure to protect potential TCRs.

- Fernandeano Tataviam Band of Mission Indians: The Fernandeano Tataviam Band of Mission Indians commented on February 7, 2022, that their November 5, 2021, NOP response letter constitutes their request to be listed as a consulting party. The tribe's November 5, 2021, letter states that the Modified Project falls within the traditional and historical jurisdiction of the tribe. The County consulted with the tribe's representatives on February 24, 2022. The tribal representatives indicated that their agreement with the Project Applicant for construction

⁸ No request for consultation was received from the Tejon Indian Tribe within the response period.

monitoring remains in place and would apply to the Modified Project.⁹ The tribal representatives also indicated that they would contact the San Fernando Band of Mission Indians if human remains were found during construction monitoring activities.

- Gabrielino/Tongva San Gabriel Band of Mission Indians—Kizh Nation: The Gabrielino/Tongva San Gabriel Band of Mission Indians—Kizh Nation commented on December 8, 2021, that the Modified Project is located within the tribe’s ancestral territory and requested further consultation with the County. The County consulted with tribal representatives on January 27, 2022, addressing the tribal representatives’ questions about monitoring activities.
- San Manuel Band of Mission Indians: The San Manuel Band of Mission Indians commented on December 7, 2021, that because the Modified Project Site is located outside their ancestral territory no consultation was requested.
- The Santa Ynez Band of Chumash Indians: The Santa Ynez Band of Chumash Indians commented on January 3, 2022, that the Tribe has entered into an agreement with the Project Applicant: (1) that includes a comprehensive suite of commitments by the Project Applicant to ensure the evaluation and protection of cultural and tribal resources, including updated surveys by JMA, construction monitoring by tribal representatives, and appropriate treatment of any identified resources. In addition, our agreement requires the Project Applicant to engage with tribal representatives during surveying activities, provide drafts of survey reports for tribal review, and coordinate with tribal representatives on addressing comments; (2) that includes Entrada South and VCC; (3) tribal representatives have participated in cultural resource surveys and investigations of the Modified Project Site and has reviewed the reports of those activities prepared by JMA, and as such, the Modified Project as implemented is consistent with the purpose and framework of the agreement, which ensures the proper evaluation and protection of cultural and tribal resources; (4) tribal representatives will continue to engage with the Project Applicant regarding TCRs under the agreement; and (5) because of this, the Santa Ynez Band of Chumash Indians is supportive of the Entrada South and VCC Project, and has not identified a need for further consultation at this time.

⁹ In 2007 the Project Applicant and the Tataviam entered into an agreement that requires the Project Applicant to retain the Tataviam for monitoring activities associated with grading and development of Newhall projects, including the Modified Project Site. The Tataviam Agreement is reinforced by Mitigation Measures RMDP/SCP-CR-3 through -6 of the State-certified EIR which are applicable to the Modified Project and listed as mitigation measures in Subsection 8, Mitigation Measures, later in this section.

No tribal cultural resources were identified as part of the project's AB 52 consultation process. Following consultation with the tribes, pursuant to AB 52, the County closed the AB 52 consultation process in coordination with the tribes.

3. SUMMARY OF IMPACTS FOR THE 2017 PROJECT

Entrada South and VCC Planning Areas

The State-certified EIR did not address TCRs separately, as the requirement to do so did not apply when that document was prepared. Section 4.10, Cultural Resources, of the State-certified EIR which analyzed impacts to cultural resources resulting from the development of the Entrada South and VCC Planning Areas informs this discussion on TCRs. The State-certified EIR concluded that construction projects would potentially encounter undetected unique archaeological resources, including those of Native American origin, and therefore impacts were significant without mitigation. The State-certified EIR outlined mitigation measures, including RMDP/SCP-CR-3 through RMDP/SCP-CR-5 which specify avoidance, monitoring, and data recovery requirements to be carried out by a qualified archaeologist and Native Americans to address the potential for an impact to an unidentified cultural resource. The State-certified EIR concluded that impacts to cultural resources would be significant but reduced to less than significant with mitigation.

4. REGULATORY REQUIREMENTS AND PROJECT DESIGN FEATURES

There are no specific regulatory compliance measures or Project design features applicable to the Modified Project related to TCRs.

5. THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines and other relevant criteria, the Los Angeles County Department of Regional Planning has determined that a project would have a significant impact related to TCRs based on the following criteria:

Threshold 5.12-1: 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:

- 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

- 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.

6. ENVIRONMENTAL IMPACTS OF THE MODIFIED PROJECT

a. Methodology

This assessment of the Modified Project's impacts on archaeological resources is based on the Cultural Resources Report prepared by JMA in 2021, provided in **Appendix 5.3** of this SEIR, which is in turn based on the Phase I Cultural Resources Surveys and Phase II Cultural Resources Investigation and National Register Eligibility Evaluation prepared by JMA in 2019 and 2020.¹⁰ The Phase I Surveys included SLF and SCCIC records searches, pedestrian surveys of the Entrada South and VCC Planning Areas, and a review of historical documents and studies regarding the archaeology, history, and ethnography of the region. The surveys were planned, developed, and implemented according to the highest pedestrian survey protocols and archaeological professional standards, with participation by JMA personnel as well as members of the Fernandeano Tataviam Band of Mission Indians and the Santa Ynez Band of Chumash Indians.

JMA also conducted archival research focused on identification of TCRs in vicinity of the Modified Project Site. To determine whether previously recorded TCRs are present, JMA requested a Sacred Lands File search from the NAHC. Additionally, in accordance with AB 52, notification letters were sent to all of the California Native American tribes that are traditionally and culturally affiliated with the Modified Project area.

b. Project Impacts

Threshold 5.12-1: 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:

¹⁰ *The Phase I Cultural Resource Surveys and Phase II Cultural Resources Investigation are on file at the Los Angeles County Department of Regional Planning.*

- 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
- 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.

PRC Section 21074 defines “tribal cultural resources” as: (1) listed or determined to be eligible for listing on the national, state, or local register of historic resources; or (2) a resource that the lead agency chooses, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource. In the second instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources pursuant to PRC Section 5024.1.

First, no previously designed landmarks or historic districts under the County’s HPO are located on the Modified Project Site.

Second, conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address adverse impacts to TCRs, and reduce the potential for delay and conflict in the environmental review process. In accordance with AB 52 requirements, and as discussed previously in Subsection d(2), the County sent AB 52 Tribal Consultation Notice letters/e-mails on December 1, 2021, to representatives of the five Native American contacts included on the County’s AB 52 Tribal Consultation List, as well as one additional tribe. Four tribes provided comments in response to the AB 52 letters, including the Fernando Tataviam Band of Mission Indians, Gabrieleño/Tongva San Gabriel Band of Mission Indians—Kizh Nation, San Manuel Band of Mission Indians, and Santa Ynez Band of Chumash Indians (see Subsection d(2) for a summary of the comments). Several tribes requested further consultation with the County, which was completed. None of the tribes indicated that known TCRs are located on the Modified Project Site. Accordingly, no TCRs were identified during the AB 52 consultation process. The AB 52 consultation process was closed by the County in coordination with the tribes.

Entrada South Planning Area

As previously discussed, JMA surveyed the Entrada South survey area in coordination with tribal representatives from the Fernandeno Tataviam Band of Mission Indians and the Santa Ynez Band of Chumash Indians. As a result of the survey, ten isolated artifacts and three archaeological sites were identified. JMA determined that

three sites (lithic scatters) warranted additional testing through a Phase II investigation. The three sites were also evaluated for eligibility in the National Register, and pursuant to criteria set forth under CEQA for TCRs and in subdivision (c) of Public Resources Code section 5024.1, and the significance of the resource to a California Native American tribe.

Site 1 (LAN-4897) is a lithic scatter site. No temporally diagnostic artifacts or datable cultural material were detected during the Phase II testing program at Site 1. Based on not detecting datable material and thus the ability to demonstrate its historical context, the potential for Site 1 to yield additional information important in prehistory is lacking. Additionally, as discussed in detail in the Cultural Resources Report and **Section 5.3, Cultural Resources**, of this SEIR, Site 1 does not meet eligibility criteria for listing in the National Register or any other applicable criteria. JMA determined Site 1 does not present the characteristics for eligibility as a TCR under CEQA.

Site 2 (LAN-4898) is a lithic scatter site. No temporally diagnostic artifacts or datable cultural material were detected during the Phase II testing program at Site 2. Based on not detecting datable material and thus the ability to demonstrate its historical context, the potential for Site 2 to yield additional information important in prehistory is lacking. Additionally, as discussed in detail in the Cultural Resources Report and **Section 5.3, Cultural Resources**, of this SEIR, Site 2 does not meet eligibility criteria for listing in the National Register or any other criteria. JMA determined Site 2 does not present the characteristics for eligibility as a TCR under CEQA.

Site 3 (LAN-4899) is a lithic scatter site. Based on not detecting datable material and thus the ability to demonstrate its historical context, the potential for Site 3 to yield additional information important in prehistory is lacking. Additionally, as discussed in detail in the Cultural Resources Report and **Section 5.3, Cultural Resources**, of this SEIR, Site 3 does not meet eligibility criteria for listing in the National Register, as a landmark or historic district under the County's HPO, or any other criteria. JMA determined Site 3 does not present the characteristics for eligibility as a TCR under CEQA.

The Modified Project would reduce the total number of residential units constructed and increase the non-residential square footage in the Entrada South Planning Area, resulting in a net reduction of 3,187 square feet of total development in comparison to the amount analyzed in the State-certified EIR. Accordingly, based on the survey results, the Modified Project within the Entrada South survey area is not expected to result in any new significant impact to a tribal cultural resource. The impact conclusions were prepared in consultation with tribal archaeologists. Further, no TCRs were identified during the AB 52 consultation process. As was the case for the 2017 Project, the potential exists for unearthing unidentified TCRs during excavation and grading activities, which has the potential to encounter unidentified resources, and therefore impacts are considered

significant impacts without mitigation. Implementation of mitigation measures outlined in Section 8, Mitigation Measures, below (RMDP/SCP-CR-3 through RMDP/SCP-CR-5) in coordination with tribal archaeologists and tribal representatives would ensure that construction activities associated with the Entrada South survey area would be monitored. Specifically, RMDP/SCP-CR-3 requires monitoring by a qualified archeologist and Native American monitor of all earth disturbances within 300 feet of any known archaeological site and addresses unanticipated archeological discoveries; RMDP/SCP-CR-4 requires temporary fencing to create 50-foot buffer around any known archeological site during construction within the 300-foot buffer. RMDP/SCP-CR-5 and RMDP/SCP-CR-6 establish standards for stopping or redirecting construction work and applying appropriate mitigation if cultural resources or human remains are discovered during construction. Collectively, these measures implement the Tataviam Agreement. With the implementation of mitigation measures RMDP/SCP-CR-3 through RMDP/SCP-CR-5, the project would not result in any new significant adverse impacts to TCRs within the Entrada South survey area. Accordingly, consistent with the analysis presented in the State-certified EIR, impacts would be significant prior to mitigation. However, with the implementation of mitigation measures identified in the State-certified EIR, impacts from the Modified Project would be less than significant.

VCC Planning Area

The Modified Project would not alter the buildout of the VCC Planning Area. As previously indicated, no prehistoric or historic archaeological sites were identified during the Phase I survey of the VCC survey area that was coordinated with the tribal representatives from the Fernandño Tataviam Band of Mission Indians and the Santa Ynez Band of Chumash Indians. Based on the survey results, the Modified Project within the VCC survey area is not expected to result in any new significant impact to a tribal cultural resource. Further, no TCRs were identified during the AB 52 consultation process. As was the case for the 2017 Project, the potential exists for unearthing unidentified TCRs during excavation and grading activities, , and therefore impacts are considered significant without mitigation. Implementation of mitigation measures outlined below (RMDP/SCP-CR-3 through RMDP/SCP-CR-5) in coordination with tribal archaeologists and tribal monitoring representatives would ensure that construction activities associated with the VCC survey area would be monitored. Specifically, RMDP/SCP-CR-3 requires monitoring by a qualified archeologist and Native American monitor of all earth disturbances within 300 feet of any known archaeological site and addresses unanticipated archeological discoveries; RMDP/SCP-CR-4 requires temporary fencing to create 50-foot buffer around any known archeological site during construction within the 300-foot buffer. RMDP/SCP-CR-5 and RMDP/SCP-CR-6 establish standards for stopping or redirecting construction work and applying appropriate mitigation if cultural resources or human remains are discovered during construction. Collectively, these measures implement the Tataviam Agreement. Accordingly, with the implementation of mitigation measures

RMDP/SCP-CR-3 through RMDP/SCP-CR-5, the project would not result in any new significant adverse impacts to TCRs within the VCC survey area. Accordingly, consistent with the analysis presented in the State-certified EIR, impacts would be significant prior to mitigation. However, with the implementation of mitigation measures identified in the State-certified EIR, impacts from the Modified Project would be less than significant.

Conclusion

The Modified Project would not increase the ground disturbance footprint within the Entrada South or VCC Planning Areas, as compared to the 2017 Project. As such, the Modified Project's refinements would not result in any adverse changes or consequences to TCRs compared to the 2017 Project. Further, mitigation measures previously adopted for the 2017 Project would continue to be implemented under the Modified Project (refer to Subsection 8, Mitigation Measures, below). Nevertheless, new surveys were completed by JMA, in consultation with tribal monitors. JMA determined that the Modified Project would not result in new significant impacts to TCRs. In addition, no TCRs were identified during the AB 52 consultation process. With implementation of mitigation measures, the Modified Project would not result in any new significant impacts or increase the severity of any previously identified impacts as compared to the 2017 Project. Therefore, the Modified Project would not result in any new or substantially more severe significant impacts related to tribal resources as compared to the 2017 Project.

7. CUMULATIVE IMPACTS

The geographic context for the cumulative impact analysis of TCRs is the general Project vicinity, as such impacts are typically localized. The related projects considered in this analysis are identified in **Table 4.2-11**, Related Projects, and **Figure 4.2-2**, Related Projects Map, in **Section 4.2**, Cumulative Impact Analysis Methodology, of this SEIR.

The Modified Project would not increase the ground disturbance footprint within the Entrada South or VCC Planning Areas, as compared to the 2017 Project. As such, the Modified Project's refinements would not result in additional cumulative impacts compared to the 2017 Project. Further, no TCRs were identified during the AB 52 consultation process.

The Modified Project in combination with cumulative development in the Santa Clarita Valley would likely contribute to the loss of undeveloped land, which could potentially contain TCRs. As was the case for the 2017 Project, the potential exists for the Modified Project to damage unidentified TCRs during excavation and grading activities, and therefore the project would contribute a cumulatively considerable contribution to a cumulative impact without mitigation. Determinations regarding the significance of impacts of the related projects on TCRs would be made on a case-by-case basis and, if necessary,

the applicants of the related projects, like the Applicant for the Modified Project, would be required to implement appropriate mitigation measures and regulatory requirements. Specifically, like the Modified Project, all related projects would be required to comply with PRC Section 21083.2 and CEQA Guidelines Section 15064.5(c) if a resource is inadvertently discovered during construction. Furthermore, as set forth below, the Modified Project's impacts associated with TCRs would be significant prior to mitigation. However, impacts would be reduced to less than significant with the implementation of the previously adopted mitigation measures. Therefore, no significant cumulative impacts associated with TCRs would occur with mitigation, and the Modified Project's contribution to cumulative impacts would be less than significant with mitigation.

The Modified Project would not increase ground disturbance compared to the 2017 Project and would not have significant impacts to TCRs with mitigation. Therefore, the Modified Project would not result in any new or substantially more severe significant impacts related to cumulative impacts related to TCRs as compared to the 2017 Project .

8. MITIGATION MEASURES

A complete list of mitigation measures to be implemented under the Modified Project is provided in the Mitigation Monitoring and Reporting Program in **Appendix 2** of this SEIR. Previously adopted mitigation measures that require no further action as part of the Modified Project (generally because the measure has already been completed or would be achieved or exceeded through compliance with current regulatory requirements) or that are not applicable to the Modified Project are listed in **Appendix 3** of this SEIR.

a. Previously Approved Mitigation from the State-Certified EIR

The following mitigation measures from the State-certified EIR are applicable to the Modified Project to address impacts related to TCRs. As indicated above, any previously adopted mitigation measures that require no further action as part of the Modified Project (generally because the measure has already been completed or would be achieved or exceeded through compliance with current regulatory requirements) or that are not applicable to the Modified Project are listed in **Appendix 3** of this SEIR.

RMDP/SCP-CR-3: Pursuant to the requirements of the Tataviam Agreement, a qualified archaeologist and a Native American monitor shall monitor all earth disturbances, including scarification and placement of fill, within 300 feet of any known archaeological site. If archaeological discoveries are made, earth disturbing activities will be diverted to other locales while the archaeological resources are exposed, mapped, evaluated, and recovered, as appropriate.

RMDP/SCP-CR-4: During any earth disturbance within 300 feet of any known archaeological site, the area of the site and a 50-foot buffer shall be temporarily fenced with chain link flagged with color to ensure construction avoidance.

RMDP/SCP-CR-5: In the event that cultural resources are encountered during grading anywhere in the Project area, work shall be stopped immediately or redirected until a qualified archaeologist and Native American representative pursuant to the requirements of the Tataviam Agreement are retained by the applicant to evaluate the eligibility of the resources pursuant to CRHR and NRHP criteria. If the remains are found to be significant, they shall be subject to a Phase III data recovery mitigation program consistent with federal, state, and county guidelines and funded by the applicant to the extent allowed by law (see, Pub. Resources Code § 21083.2).

RMDP/SCP-CR-6: If, during any phase of Project construction, there is the discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps, which are based on Public Resources Code section 5097.98 and State CEQA Guidelines section 15064.5(e), shall be taken:

1. There will be no further excavation or disturbance of the site or any nearby area reasonably susceptible to overlying adjacent human remains until:
 - a. The Los Angeles County Coroner is contacted to determine that no investigation of the cause of death is required; and
 - b. If the Coroner determines the remains to be Native American:
 - (i) The Coroner shall contact the Native American Heritage Commission within 24 hours;
 - (ii) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendant from the deceased Native American; and
 - (iii) The most likely descendent may make recommendations to the Project applicant for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or,
2. Where the following conditions occur, the Project applicant, or its designee, shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
 - a. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to

make a recommendation within 24 hours after being notified by the Commission;

- b. The descendant identified fails to make a recommendation; or The Project applicant, or its designee, rejects the recommendation of the descendant, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the Project applicant.

b. Previously Approved Mitigation from the VCC EIR

Mitigation Measures VCC-CR-1 and VCC-CR-2 were previously adopted by the County for the VCC Planning Area as part of the County-certified VCC EIR. However, these measures are no longer applicable to the Modified Project and are no longer necessary to mitigate impacts to less than significant levels. VCC-CR-1 has been superseded by RMDP/SCP-CR-5 and RMDP/SCP-CR-6. VCC-CR-2 has been completed as field surveys have been conducted and can be found in **Appendix 5.3** of this SEIR; the measure has therefore been fully implemented. See **Appendix 5.3** of this SEIR for additional information.

c. Proposed Mitigation for the Modified Project

No additional mitigation measures are required for the Modified Project.

9. LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of the mitigation measures listed above would reduce impacts associated with TCRs to a less than significant level. Therefore, no new or more severe significant impacts relating to TCRs have been identified, as compared to those identified for the 2017 Project.