

IV. Environmental Impact Analysis

M. Tribal Cultural Resources

1. Introduction

This section addresses potential impacts to tribal cultural resources. The analysis of tribal cultural resources provided in this section is based on a Sacred Lands File (SLF) search conducted by the California Native American Heritage Commission (NAHC), project notification letters submitted by the City to Native American individuals and organizations, and follow-up Native American consultations pursuant to Assembly Bill (AB) 52. The findings of these studies are presented in the Tribal Cultural Resources Technical Report, which is provided in Appendix N, of this Draft EIR.

Tribal cultural resources are defined by the California Public Resources Code (PRC) Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant.¹ Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

2. Environmental Setting

a) Regulatory Framework

(1) State

(a) *Assembly Bill 52*

AB 52 was signed by California State Governor Brown on September 25, 2014. AB 52 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration (ND) or Mitigated Negative Declaration (MND) will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under the California Environmental Quality

¹ A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

Act (CEQA), known as tribal cultural resources. PRC Sections 21074(a)(1) and 21074(a)(2) define tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. Further, as stated under PRC Section 21074(b), “a cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.” On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources provided in Appendix G of the CEQA Guidelines, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND (PRC Section 21082.3(d)(2) and (3)).

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, 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.

Confidentiality does not, however, apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the project applicant or the project applicant's agents, or are lawfully obtained by the project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency (PRC Section 21082.3(c)(2)(B)).

b) Existing Conditions

(1) Ethnographic Setting

The Project Site is located in a region traditionally occupied by the Takic-speaking Gabrielino Indians. The term "Gabrielino" is a general term that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina.² Their neighbors included the Chumash to the north, the Juañeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence.³ The Gabrielino language is part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino were hunter-gatherers and lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game was hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison.⁴ The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay or holly-leaved cherry.

² Kroeber, A. L., Handbook of the Indians of California, Bureau of American Ethnology, Bulletin 78, Smithsonian Institution, Washington, D.C., 1925.

³ Bean, Lowell J., and Charles R. Smith. Gabrielino, in California, edited by R.F. Heizer, pp. 538-549 Handbook of North American Indians, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C., 1978.

⁴ Bean, Lowell J., and Charles R. Smith. Gabrielino, in California, edited by R.F. Heizer, pp. 538-549 Handbook of North American Indians, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C., 1978.

Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period.⁵ Villages are reported to have been the most abundant in the San Fernando Valley, the Glendale Narrows area north of Downtown, and around the Los Angeles River's coastal outlets.⁶ The village of *Yaanga* was thought to be located southwest of present-day Union Station, approximately 1.5 miles northwest of the Project Site.⁷ Of the approximately 100 known Gabrielino villages, *Yaanga* was one of the largest, and leaders from other Gabrielino villages would regularly converge on *Yaanga* to hold councils.⁸ The Gabrielino leaders met beneath the branches of a large sycamore tree known as the council tree, or *El Aliso*, which served as a regional landmark and meeting place. The 400-year-old tree died and was cut down in 1892 as Downtown Los Angeles's industrial expansion surrounded it.⁹ Recent research indicates that *El Aliso* was located south of what is presently the Metropolitan Transit Authority's headquarters within the median of the Hollywood Freeway, located approximately 1.2 miles north of the Project Site.

Based on baptismal records, *Yaanga* appears to have been occupied until at least 1813. But by the early 1820s, *Yaanga*'s Gabrielino residents were displaced to an area south of the village site in what is presently the block north of Los Angeles Street and 1st Street, approximately 1.2 miles northwest of the Project Site.¹⁰ By 1836, the displaced Gabrielino community was known as *Rancho de los Pablinos*, and Los Angeles residents began complaining about the Gabrielino bathing in the *Zanjas*.¹¹ As a result of the complaints, the Gabrielino were once again displaced farther to the east near the present-day intersection of Alameda Street and Commercial Street, approximately 1.2 miles northwest of the Project Site. Between 1845 and 1847, they were moved to the east side of the river to a settlement that was known as *Pueblito*, and by 1847, the Gabrielino from *Yaanga* were displaced once again and left without a place in which to form a new community. As a result, the Gabrielino dispersed throughout Los Angeles.

⁵ Kroeber, A. L., Handbook of the Indians of California. Dover Publications, Inc., New York, reprinted 1976, 1925.

⁶ Gumprecht, Blake, Los Angeles River: Its Life, and Possible Rebirth, The Johns Hopkins University Press, Baltimore, Reprinted 2001.

⁷ Morris, Susan L., John R. Johnson, Steven J. Schwartz, Rene L. Vellanoweth, Glenn J. Farris, and Sara L. Schwebel, The Nicoleno in Los Angeles: Documenting the Fate of the Lone Woman's Community. In Journal of California and Great Basin Archaeology 36(1): 91-118, 2016.

⁸ Rasmussen, Cecilia, From Site of Ancient Tribal Tree, the City of Angels Grew, 1997, http://articles.latimes.com/1997-04-12/local/me-48039_1_los-angeles-river. Accessed October 30, 2017.

⁹ Rasmussen, Cecilia, From Site of Ancient Tribal Tree, the City of Angels Grew.

¹⁰ Morris, Susan L., John R. Johnson, Steven J. Schwartz, Rene L. Vellanoweth, Glenn J. Farris, and Sara L. Schwebel, The Nicoleno in Los Angeles: Documenting the Fate of the Lone Woman's Community. In Journal of California and Great Basin Archaeology 36(1): 91-118, 2016.

¹¹ Morris, Susan L., John R. Johnson, Steven J. Schwartz, Rene L. Vellanoweth, Glenn J. Farris, and Sara L. Schwebel, The Nicoleno in Los Angeles: Documenting the Fate of the Lone Woman's Community. In Journal of California and Great Basin Archaeology 36(1): 91-118, 2016.

(2) Archival Research Summary

As noted in the Tribal Cultural Resources Technical Report,¹² archival research was conducted for the Project, which included a records search at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC). A records search for the Project was conducted on January 24, 2018 at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) housed at California State University, Fullerton. The records search included a review of all recorded cultural resources and previous studies within the Project Site as well as a 0.5-mile radius.

The records search results indicate that 33 cultural resources studies have been conducted and are presently on-file with the SCCIC within a 0.5-mile radius of the Project Site. Approximately 75 percent of the 0.5-mile records search radius has been included in previous cultural resources surveys. Of the 33 previous studies, nine (LA-3813, -4834, -8252, -10506, -10887, -11048, -11409, -11642, and -11785) overlap the Project Site. The entirety of the Project Site has overlaps with previous cultural resources studies.

(3) Identification of Tribal Cultural Resources

(a) *Sacred Lands File Search*

The California NAHC maintains a confidential SLF, which contains sites of traditional, cultural, or religious value to the Native American community. A search of the SLF was requested from the NAHC on March 15, 2018. The NAHC responded in a letter dated March 16, 2018, that sites are not known to be located within the Project Site.¹³

(b) *Assembly Bill 52 Tribal Consultation*

In compliance with the requirements of AB 52, the City of Los Angeles Department of City Planning provided formal notification of the Project via certified mail to Native American groups that are listed on the City's AB 52 contact list, on February 8, 2017. A summary is provided below in **Table IV.M-1, Summary of AB 52 Consultation**. The letters included a description of the proposed Project, the Project location, and a notification of the type of consultation being initiated. The City received a response from the Gabrieleño Band of Mission Indians - Kizh Nation (Andrew Salas, Tribal Chairman). The other Native American groups contacted by the City have not responded.

¹² ESA, Tribal Cultural Resources Technical Report, December 2021. Provided in Appendix N of this Draft EIR.

¹³ Native American Heritage Commission, SLF Response Letter for the Proposed 670 Mesquit Project, 2018. Prepared for ESA. Letter on File at ESA.

**TABLE IV.M-1
SUMMARY OF AB 52 CONSULTATION**

Contact	Tribe/Organization	Date AB 52 Notice Sent	Response Received	Date AB 52 Initiation Sent	Consultation Results
Kimia Fatehi, Director, Public Relations	Fernandeño Tataviam Band of Mission Indians	2/8/2017	No response	-	-
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians – Kizh Nation	2/8/2017	Request consultation	2/24/2017	Consultation on-going
Robert F. Dorame, Tribal Chair/Cultural Resources	Gabrielino Tongva Indians of California Tribal Council	2/8/2017	No response	-	-
Sam Dunlap, Cultural Resources Director	Gabrielino/Tongva Nation	2/8/2017	No response	-	-
Sandonne Goad, Chairperson	Gabrielino/Tongva Nation	2/8/2017	No response	-	-
Anthony Morales, Chairperson	Gabrielino/Tongva San Gabriel Band of Mission Indians	2/8/2017	No response	-	-
Linda Candelaria, Co-Chairperson	Gabrielino-Tongva Tribe	2/8/2017	No response	-	-
John Valenzuela, Chairperson	San Fernando Band of Mission Indians	2/8/2017	No response	-	-
Joseph Ontiveros, Cultural Resource Director	Soboba Band of Luiseño Indians	2/8/2017	No response	-	-
Michael Mirelez, Cultural Resource Coordinator	Torres Martinez Desert Cahuilla Indians	2/8/2017	No response	-	-

SOURCE: ESA, 2019.

In a letter dated February 24, 2017, Andrew Salas, chairperson of the Gabrieleño Band of Mission Indians - Kizh Nation (Tribe), initiated AB 52 consultation in response to the City's notification. On March 23, 2017, the City engaged in AB 52 consultation via telephone with Mr. Salas and Mr. Teutimez. The Tribe indicated that the Project Site is sensitive for the presence of tribal cultural resources, citing the presence of trading routes and biological resources. Specifically, the Tribe cited its proximity to the ethnographic village of *Yaanga* and the Los Angeles River, and stated that trading routes in the Arts District area served as connections between the coast and other states.

On April 6, 2017, Mr. Teutimez provided a number of electronic resources and maps he referenced during consultation. The digital package included the following maps: the Kirkman-Harriman Pictorial and Historical Map of Los Angeles County (1938), the Birds Eye View of Los Angeles (1877), Map of California Roads for Cyclers by Geo. W. Blum

(1895), Historical Map of Los Angeles (n.d.), Fort Hill Tract Map (1885), Stevenson's Cadastral Survey of Los Angeles (1884), View of Los Angeles from the East (1877), Pacific Electric Map of Los Angeles (1920), Plan de la Ciudad de Los Angeles (1849), The Old Spanish and Mexican Ranchos, and Roads of the Missions (n.d.), Historic Roads to Romance California's Southern Empire Tourist Paradise (1946). In addition to the maps, Mr. Teutimez provided a brief document listing and annotating the provided maps. The package provided did not identify any tribal cultural resources within the Project Site.

Mr. Salas submitted a report *Cultural Resources Assessment of the Metro Emergency Security Operations Center, Los Angeles, California* on July 14, 2017. Mr. Salas indicated he was providing the report in order to demonstrate the high sensitivity of the 670 Mesquit Project Site for tribal cultural resources. The report is a cultural resources assessment of an industrial property located approximately one-mile north of the Project Site and adjacent to the Los Angeles River. The report included findings that unanticipated buried archaeological resources might be located within the Metro Emergency Security Operations Center site and recommended archaeological monitoring for all ground-disturbing activities. All aforementioned digital materials submitted by the Tribe are provided in Appendix C of the Confidential Tribal Cultural Resources Technical Report.

Based on their assertion of the cultural sensitivity of the Project Site, the Gabrieleño Band of Mission Indians - Kizh Nation has recommended that a Native American monitor be present on-site to observe any and all Project-related ground disturbances. On July 14, 2017, the Tribe reiterated its recommendation that Native American monitoring be conducted during all Project-related grading activities, and provided the City with suggested mitigation measures. Prior to completion of this Draft EIR, in November and December 2021, the City continued consultation with the Tribe and incorporated many of the Tribe's recommendations regarding Native American construction monitoring into the mitigation measures presented below in subsection 3, Project Impacts. On December 16, 2021, following City discussions with the Tribe and their review of the City's recommended mitigation measures, the City issued a letter formally closing consultation. The Tribe responded to the City on December 17, 2021 that they agree with the mitigation measures that had incorporated the Tribe's recommendations and that are provided below. All correspondence between the Tribe and City regarding the specifications for Native American monitoring and the City's letter closing consultation are provided in Appendix C of both the Public and Confidential versions of the Tribal Cultural Resources Technical Report included in this Draft EIR.

3. Project Impacts

a) Thresholds of Significance

In accordance with the Appendix G of the CEQA Guidelines, a project would have a significant impact related to tribal cultural resources if it would:

Threshold (a): 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:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k), or***
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

b) Methodology

Under CEQA, the evaluation of impacts to tribal cultural resources consists of two-parts: (1) identification of tribal cultural resources within the project site or immediate vicinity through AB 52 consultation, as well as a review of pertinent academic and ethnographic literature for information pertaining to past Native American use of the project area, SLF search, and SCCIC records review; and (2) a determination of whether the project may result in a “substantial adverse change” in the significance of any identified resources.

c) Project Design Features

No specific Project Design Features are proposed with regard to tribal cultural resources.

d) Project Impacts

Threshold (a): *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size 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)?*
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

(1) Impact Analysis

No prehistoric archaeological resources have been previously recorded within the Project Site itself or within a 0.5-mile radius of the Project Site. The SLF search conducted by the NAHC indicated that the Project Site was negative for known sacred tribal lands. During AB 52 consultation, the Gabrieleño Band of Mission Indians–Kizh Nation indicated that the Project Site vicinity maintains a high sensitivity for potential to encounter resources of prehistoric and historic origins that may be identified as tribal cultural resources. The documentation provided by the Tribe during consultation described places and known archaeological and historic resources, as well as a high sensitivity for buried prehistoric or historic archaeological resources. These resources were described by the Tribe as being located in the vicinity of the Project Site, and may be considered sacred lands or tribal cultural resources by the Tribe. However, no villages are mapped or documented by Mr. Salas as overlapping with the Project Site. The scale of the maps provided to describe the presence of trading routes did not contain a level of detail sufficient to determine whether the depicted routes bypass or intersect with the current Project Site. Information provided by Mr. Salas, as described above, asserts that Native American villages known to have been present within the Arts District and vicinity moved around over time and may have overlapped. Specific evidence of village locations or trading routes located within or overlapping the Project Site was not provided. Therefore, no known tribal cultural resources, as defined in PRC Sections 21074(a)(1), or resources determined by the City in its discretion and supported by substantial evidence to be significant pursuant to PRC Section 5024.1

have been identified within the Project Site as a result of AB 52 consultation, or as a result of the SLF search through the NAHC and the SCCIC. However, the Project Site is located in the general vicinity of the former Native American village of *Yaanga* (approximately 1.5 northwest of the Project Site) which is where people from other Gabrielino villages would regularly converge to hold councils and where several recent discoveries have been made at depth during other construction projects. Moreover, the Project Site is located in an area where prehistoric trading routes had once existed that connected people who lived on the coast with groups that were located more inland, such as at *Yaanga*. In addition, the Project Site is located adjacent to the Los Angeles River which would have attracted prehistoric inhabitants to the area due to the fresh water and flora and fauna communities that the river would have formerly supported. Lastly, there are certain portions of the Project Site where subsurface remnants associated with the residential dwellings that were constructed in the late 19th century, the industrial development, or deeply buried prehistoric archaeological resources may remain. This includes portions of the Project Site that were never developed with buildings or where the existing buildings do not have basements, the portions of the Project Site below the foundations and/or basements, as well as off-site areas proposed for Project-related improvements such as Mesquit Street and the Railway Property to the east and therefore there are still areas of the Project Site that likely are comprised of native soils that retain the potential to preserve tribal cultural resources. Therefore, based on these findings and in consultation with the Tribe, the Project Site appears to have a moderate to high potential for encountering tribal cultural resources during construction. As a result, the Project could cause a substantial adverse change in the significance of a tribal cultural resource as described in PRC Section 21084.2. Accordingly, impacts on tribal cultural resources are considered potentially significant, and mitigation measures are provided below.

Therefore, as the Project could cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074, impacts to unknown tribal cultural resources are considered significant prior to mitigation.

(a) Project with the Deck Concept

As stated and described in Chapter II, *Project Description*, the Applicant seeks to construct a Deck that extends over a portion of the off-site Railway Properties east of the Project Site. Construction activities for the Project with the Deck Concept would be similar to the Project and would involve excavation and other ground-disturbing activities, as well as installation of vertical columns between the existing railroad tracks to support the Deck. Therefore, similar to the Project and discussed above, although there is no substantial evidence of known sacred lands or tribal cultural resources within the Project Site or Railway Properties that would be affected by the Project with the Deck Concept, the potential exists for buried resources to be encountered at depth during construction. This is due to the Project Site's location near a known Native American village (*Yaanga*) and where recent discoveries during other construction projects have been made, its location in an area where prehistoric trading routes had once existed, and its proximity to the Los

Angeles River, all of which would have attracted prehistoric inhabitants to the Project Site and vicinity. Lastly, there are still areas of the Project Site that likely are comprised of native soils that retain the potential to preserve tribal cultural resources. Therefore, the conclusions regarding impact significance presented above are the same and apply to the Project and the Project with the Deck Concept. **As such, impacts associated with tribal cultural resources under the Project with the Deck Concept are considered significant prior to mitigation.**

(2) Mitigation Measures

Refer to Mitigation Measure CUL-MM-6. The following mitigation measures are also required to address potentially significant impacts to tribal cultural resources.

TCR-MM-1: Prior to the issuance of a demolition permit, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation or Tribe) who shall be present during construction activities deemed by the Native American Monitor to have the potential for encountering tribal cultural resources, such as demolition, pavement removal, clearing/grubbing, drilling/augering, potholing, grading, trenching, excavation, tree removal or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. A monitoring agreement between the Applicant and Kizh Nation shall be prepared that outlines the roles and responsibilities of the Native American Monitor and shall be submitted to the City prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The Native American Monitor shall also provide Sensitivity Training to construction personnel as required by Mitigation Measure CUL-MM-6.

The Native American Monitor, in coordination with the qualified Archaeologist and archaeological monitor as identified in Mitigation Measure CUL-MM-5, shall have the authority to direct the pace of construction equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of tribal cultural resources. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Native American Monitor in the event there appears to be little to no potential for impacting tribal cultural resources. Native American monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the Applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project Site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh Nation to the Project Applicant/Lead Agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact tribal cultural resources.

TCR-MM-2: The Native American Monitor shall 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, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/Lead Agency upon written request to the Tribe.

TCR-MM-3: In the event that prehistoric/Native American (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the Native American Monitor and archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making and evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. A meeting shall take place between the Applicant, the qualified Archaeologist, the Gabrieleno Tribe, and the City to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Gabrieleno Tribe and the qualified Archaeologist, a decision that the resource is in fact a tribal cultural resource, a treatment plan shall be developed by the Gabrieleno Tribe, with input from the qualified Archaeologist as necessary, and with the concurrence of the City's Planning Director. The treatment measures in the treatment plan shall be implemented prior to construction work continuing in the buffer around of the find. The preferred treatment is avoidance, but if not feasible may include, but would not be limited to, capping in place, excavation and removal of the resource and follow-up laboratory processing and analysis, interpretive displays, sensitive area signage, or other mutually agreed upon measures. The treatment plan shall also include measures regarding the curation of the recovered resources. The recovered prehistoric or Native American resources may be placed in the custody of the Gabrieleno Tribe who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Gabrieleno Tribe or institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

(3) Level of Significance After Mitigation

In the event unknown tribal cultural resources are unearthed during construction of the Project, with implementation of the above mitigation measures, impacts on tribal cultural resources would be reduced to a less than significant level.

e) Cumulative Impacts

(1) Impact Analysis

As demonstrated above, prior to mitigation, the Project would have a significant impact on tribal cultural resources even though there are no resources listed or determined eligible for listing, on the national, State, or local register of historical resources, and the Lead Agency determined that no resources were identified during AB 52 tribal consultation that are eligible for listing under the criteria in PRC Section 5024.1(c). This significant impact finding is due to the potential to encounter tribal cultural resources at depth during construction. This potential exists given the Project Site's location in the general vicinity of a known Native American village (*Yaanga*) and where recent discoveries during other construction projects have been made, its location in an area where prehistoric trading routes had once existed, and its proximity to the Los Angeles River, all of which would have attracted prehistoric inhabitants to the Project Site and vicinity. Lastly, there are still areas of the Project Site that likely are comprised of native soils that retain the potential to preserve tribal cultural resources.

As with the Project, each related project would also be required to engage in AB 52 consultation with Native American tribes in order to identify any tribal cultural resources that could potentially be impacted by the related project and to address potentially significant impacts, if identified. The related projects would be required to comply with the City's standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries, and in areas of heightened sensitivity similar to the Project Site, mitigation similar to that applicable to the Project may be required.

Accordingly, in light of the City's standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries, and similar anticipated mitigation requirements for Projects in areas of heightened sensitivity, cumulative impacts associated with tribal cultural resources would be less than significant.

(a) *Project with the Deck Concept*

Cumulative impacts associated with tribal cultural resources would be the same under the Project or the Project with the Deck Concept. Thus, the conclusions regarding cumulative impact significance presented above are the same and apply to the Project and the Project with the Deck Concept. **As such, cumulative impacts associated with tribal cultural resources under the Project with the Deck Concept would be less than significant.**

(2) Mitigation Measures

Cumulative impacts regarding tribal cultural resources were determined to be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative impacts regarding tribal cultural resources were determined to be less than significant. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.