

IV. Environmental Impact Analysis

J. Tribal Cultural Resources

1. Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project, as required by the California Environmental Quality Act (CEQA) as amended by Assembly Bill (AB) 52, as well as the results of the analysis of resources in the *Tribal Cultural Resources Report for Our Lady of Mt. Lebanon Project* (TCR Report) prepared by Dudek (May 2021), included as Appendix U to this Draft EIR. Appendix B of the TCR Report includes documentation of the Native American consultation.

2. Environmental Setting

a. Regulatory Framework

The following describes the primary regulatory requirements regarding tribal cultural resources. Applicable plans and regulatory documents/requirements include the following:

- Assembly Bill 52
- California Public Resources Code Section 5097
- California Penal Code

(1) State

(a) Assembly Bill 52

AB 52 was approved on September 25, 2014. The act amended California Public Resources Code (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. The primary intent of AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Section 21074(a)(1) and (2) defines 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. A tribal cultural resource is further defined by PRC Section 20174(b) as a cultural landscape that meets the criteria of subdivision (a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 20174(c) provides that 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).

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 of projects within their geographic area of concern.¹ 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.²

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.³

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a MND for a project with a significant impact on an identified tribal cultural resource, only 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 requested a consultation but failed to engage in the consultation process, or the consultation process occurred and was

¹ Public Resources Code, Section 21080.3.1(b) and (c).

² Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e)

³ Public Resources Code, Section 21080.3.2(b)

concluded as described above, or if the California Native American tribe did not request consultation within 30 days.⁴

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 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 Applicant or the Applicant's agents, or are lawfully obtained by the Applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.⁵

(b) 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 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 land owner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter

⁴ Public Resources Code, Section 21082.3(d)(2) and (3)

⁵ Public Resources Code, Section 21082.3(c)(2)(B).

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.

(c) California Penal Code

California Penal Code Section 622½ 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.

b. Existing Conditions

(1) Existing Project Site Conditions

The Project Site is located along the western edge of the Beverly Grove District, which is a neighborhood in the Mid-City West area of the City of Los Angeles. The Project Site is located near the northern edge of the Los Angeles Basin and approximately 1 mile south of the Santa Monica Mountains. Specifically, the Project Site is bounded by an alley to the north, Burton Way to the south, San Vicente Boulevard to the east, and Holt Avenue to the west. Currently, the Project Site is developed with a one-story, 6,848-square-foot cathedral, three ancillary church buildings that comprise 12,370 square feet of floor area, and a surface parking lot. These three ancillary buildings include a two-story, 2,520-square-foot rectory; a one-story, 5,426-square-foot social hall; and a three-story, 4,424-square-foot building with offices and meeting rooms.

The Project Site is comprised of three feet of existing fill underlain by native alluvial soils, consisting of interlayered mixtures of sand, silt, and clay.⁶ The soil underlying the existing development is classified by the U.S. Department of Agriculture (USDA) as Urban land–Biscailuz–Pico complex soil.⁷ Specifically, the Project Site has surface deposits that consist of younger Quaternary Alluvium, derived as alluvial fan deposits from the Santa Monica Mountains, underlain by older Quaternary deposits.⁸ At deeper levels (approximately 200 feet below ground surface), the Project Site is underlain by oil-bearing formations collectively known as the Salt Lake Oil Field. The Salt Lake Oil Field feeds the pits visible at the La Brea Tar Pits, which are located approximately 1 mile southeast of the Project Site. Historically, the Salt Lake Oil Field has been used for the commercial production of crude-oil since the early 1900s.

(2) City of Los Angeles Ethnographic Context

According to the TCR Report, the history of the Native American communities in the Los Angeles region prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the region were brief, generally peripheral, and were combined with observations of the landscape. These accounts were prepared predominantly by European

⁶ *Geotechnologies, Inc., Environmental Impact Report, Soils and Geology Issues, Proposed Church Addition and Residential Tower, 333 South San Vicente Boulevard, Los Angeles, California, August 7, 2017.*

⁷ *U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, Survey Area Data, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, accessed December 16, 2019.*

⁸ *Written correspondence from Samuel A. McLeod, Ph.D., Vertebrate Paleontology, Los Angeles County Natural History Museum, April 22, 2019.*

merchants, missionaries, military personnel, and explorers with the intent of furthering respective colonial and economic aims. As such, they were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the region brought more extensive documentation of Native American communities, although these groups did not become the focus of formal and in-depth ethnographic study until the early 20th century. Additionally, it is important to note that while many of the Native American that provided information for these early ethnographies, a significantly large proportion of these informants were born after 1850, by which time Native Americans would have had considerable contact with Europeans. This is important to note when examining these ethnographies since considerable culture change had occurred by 1850 among the Native American survivors of California. This is also a particularly important consideration for studies focused on tribal cultural resources, where concepts of “cultural resource” and the importance of traditional cultural places are intended to be interpreted based on the values expressed by present-day Native American representatives and may vary from archaeological values.

Based on ethnographic information, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact. Tribes in the Los Angeles region have traditionally spoken Takic languages that may be assigned to the large Uto-Aztecan family. These groups include the Gabrielino (alternately Gabrieleño), Cahuilla, and Serrano.

The archaeological record indicates that the Project Site and vicinity were occupied by the Gabrieleño, who arrived in the Los Angeles Basin around 500 B.C. Surrounding cultural groups included the Chumash and Tataviam to the northwest, the Serrano and Cahuilla to the northeast, and the Juaneño and Luiseño to the southeast. The name “Gabrielino” or “Gabrieleño” denotes those people who were administered by the Spanish from the San Gabriel Mission, which included people from the Gabrieleño area proper as well as other social groups. Therefore, in the post-Contact period, the name does not necessarily identify a specific ethnic or tribal group. Many modern Gabrieleño refer to themselves as the Tongva, within which there are a number of regional bands, to identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin. Though the names “Tongva” or “Gabrieleño” are the most common names used by modern Native American groups, and are recognized by the Native American Heritage Commission, there are groups within the region that self-identify differently, such as the Gabrielino Band of Mission Indians—Kizh Nation.

The Tongva established large, permanent villages along rivers and streams, and in sheltered areas along the coast. Tongva lands included the greater Los Angeles Basin and three Channel Islands (San Clemente, San Nicolas, and Santa Catalina). These lands stretched from the foothills of the San Gabriel Mountains to the Pacific Ocean. A total tribal

population has been estimated of at least 5,000 persons, but recent ethnohistoric work suggests a number approaching 10,000 persons.

The largest, and best documented, ethnographic Tongva village was that of Yanga (also known as Yaangna, Janga, and Yabit), which was in the vicinity of Downtown Los Angeles. This village was reportedly first encountered by the expedition led by Captain Gaspar de Portola in 1769. As the Mission San Gabriel was established in 1771, Mission records indicate that 179 Gabrielino inhabitants of Yanga were coerced into involuntary labor at the San Gabriel Mission. Based on this information, Yanga may have been the most populated village in the Western Gabrielino territory. The village of Cahuenga, second in size and less thoroughly documented, was located just north of the Cahuenga Pass.

The Tongva subsistence economy was centered on gathering and hunting, as the surrounding environment included mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like that of most native Californians, acorns were the staple food and part of an established industry by the time of the early Intermediate Period. Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

A wide variety of tools and implements were used by the Tongva to gather and collect food resources. These included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Trade occurred between the mainland and Channel Islands by plank canoes and tule balsa canoes, which were also used for general fishing and travel. Tongva people also processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Catalina Island steatite was used to make ollas and cooking vessels.

At the time of Spanish contact, the basis of religious life was the religion of Chinigchinich. The Chinigchinich religion was known to provide instruction on laws and institutions, as well as dance, which was the primary religious act for the Tongva society. While the Chinigchinich religion seems to have been relatively new when the Spanish arrived, it spread south into the Southern Takic groups even as Christian missions were being built. As such, the Chinigchinich religion may represent a mixture of native and Christian belief and practices.

Deceased Tongva were either buried or cremated, with burial more common on the Channel Islands and the neighboring mainland coast and cremation more common on the remainder of the coast and the interior. Cremation ashes have been found buried within

stone bowls and in shell dishes, as well as scattered among broken ground stone implements. These archaeological finds correspond with ethnographic descriptions of an elaborate mourning ceremony. Offerings varied with the sex and status of the deceased. Following colonization by Europeans, Tongva essentially ceased cremations at the behest of the Spanish missionaries.

(3) Assembly Bill 52 Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on June 14, 2019 (refer to Confidential Appendix B to the TCR Report). Letters were sent to the following California Native American tribes that requested notification:

- Gabrielino Tongva Indians of California Tribal Council
- Gabrieleño Band of Mission Indians—Kizh Nation
- Gabrielino/Tongva Nation
- Gabrielino-Tongva Tribe
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- San Fernando Band of Mission Indians
- Soboba Band of Luiseño Indians
- Torres Martinez Desert Cahuilla Indians
- Fernandeño Tataviam Band of Mission Indians

The City received one response, from the Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation). The City and the Kizh Nation conducted consultation on August 5, 2019. Following consultation, the Kizh Nation sent an email to the City that included screenshots of four historic map images, a review of each map, and screenshots of four pages of text from unknown literary sources. The following summarizes the Kizh Nation's analysis of its maps:

- **Unknown Map (dated 1871 according to the Kizh Nation)**—The Kizh Nation states that there are many trade routes around the Project Site. Additionally, the Kizh Nation states that often along these trade routes were isolated burials and cremations of those that died along the trail due to the practice of burials being performed at the location of passing.
- **Unknown Map (dated 1881 according to the Kizh Nation)**—The Kizh Nation states that this map indicates that the location of the Project Site is within

Rancho La Brea, and that the Rancho was located within their ancient village of Topangna.

- **Unknown Map (dated 1898 according to the Kizh Nation)**—The Kizh Nation states that this map indicates the Project Site's proximity to a railroad that existed in this location. The Kizh Nation states that all railroads were placed on top of its traditional trade routes because the first railroad planners that came out west found the topography too varied and, thus, selected paths of the Kizh Nation's traditional trade routes, which had already been flattened by human travel over thousands of years of use.
- **Kirkman–Harriman Map superimposed on Google Earth (dated 1938 according to the Kizh Nation)**—The Kizh Nation indicates that the map year is 1938 and that the Project Site is within the Village of Topangna. The Kizh Nation states that this map is provided to show the hydrography or waterways that existed around the Project Site. The Kizh Nation states that seasonal or permanent hamlets, permanent trade depots, ceremonial and religious sites, and burials and cremations took place along the watercourses, and these waterways are considered “cultural landscapes.” The Kizh Nation states that there is higher than average potential to encounter tribal cultural resources and human remains during ground-disturbing activities near larger bodies of water.

Based on the above summary, and maps provided by the Kizh Nation by email to the City, the Kizh Nation believes that there is a high potential to impact tribal cultural resources within the Project Site. As such, the Kizh Nation provided mitigation measures to the City for consideration to address the Project's potential impacts suggested by the Kizh Nation.

To date, no other responses or requests for further consultation have been received from the tribal contacts regarding tribal cultural reports or other concerns about the Project. A record of the letters, mailings, and correspondence, excluding that deemed confidential, is included as Appendix U to this Draft EIR. The City issued a letter closing consultation coinciding with the publication of this Draft EIR.

(4) Background Research

(a) Sacred Lands File Review

An SLF search request was sent to the NAHC for the Project on November 12, 2019. On November 25, 2019, the NAHC responded by email and indicated that the SLF search had been completed with negative results. However, as the records maintained by the NAHC are not exhaustive, the NAHC recommended contacting Native American individuals and/or tribal organizations who may have direct knowledge of resources within or near the Project Site.

(b) California Historical Resources Information System Review

As discussed in the TCR Report, on October 10, 2019, Dudek completed a CHRIS records search at the SCCIC for the Project Site and a search radius of 0.5 mile. The results of the confidential records search are on file at the City for review by qualified individuals in Confidential Appendix A to the TCR Report. The records search included mapped prehistoric and historic archaeological resources and historic built environment resources, Department of Parks and Recreation site records, technical reports, archival resources, and ethnographic references. Additional consulted sources included historical maps of the Project Site, the National Register of Historic Places, the California Register of Historical Resources, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility.

(i) Previously Conducted Cultural Resource Studies

Results of the records search indicated that 18 previous cultural resource studies had been conducted within a 0.5-mile radius of the Project Site between 1973 and 2012. None of these studies overlap with or are adjacent to the Project Site and, as discussed further below, no prehistoric or Native American sites were identified.

(ii) Previously Recorded Cultural Resources

The CHRIS records indicate that a total of 49 previously recorded cultural resources are located within 0.5 mile of the Project Site. All of these previously recorded resources consist of historic era-built environment resources. One of these resources, P-19-189248, is the Our Lady of Mt. Lebanon-St. Peter Maronite Catholic Cathedral, which was constructed in 1937. As discussed in Section IV.B, Cultural Resources, of this Draft EIR, the cathedral no longer retains sufficient integrity to be eligible for listing in the National Register or California Register, but does appear to be individually eligible for local listing as a Los Angeles Historical-Cultural Monument. However, no prehistoric sites or resources documented to be of specific Native American origin have been previously recorded within the records search area of the Project Site.

(c) Review of Historic Aerials and Topographic Maps

Dudek consulted historic maps, aerial photographs, Sanborn Fire Insurance Maps to understand development of the Project Site and surrounding properties and determine if the area is likely to contain tribal cultural resources. Topographic maps were available beginning from 1894 to 2015, and aerial images are available from 1947 to 2016. Sanborn maps were available for the years 1926 and 1951.

The 1894 United States Geological Survey (USGS) topographic map shows the Project Site and surrounding area as undeveloped, with the exception of Wilshire Boulevard to the south. The 1906 Sanborn map shows an established grid with the surrounding area infilled with single-family and multi-family properties, and the Project Site is shown as vacant and subdivided into four lots. The 1921 topographic map shows the development of the grid and major transportation lines, including the Pacific Electric Railway. In this map, the undeveloped Project Site is shown as within the Salt Lake Oil Fields. The 1924 topographic map shows a fully established grid with the Project Site as vacant and situated within the confluence of the Pacific Electric Railway and the Sawtelle Santa Monica Line, which eventually become San Vicente Boulevard and Burton Way, respectively. The oil field is shown outside the Project Site to the north and east.

Development within the Project Site is first observed on the 1947 aerial image. At this time, two structures were located in the eastern corner lot, while the remaining parcel remains either undeveloped or is a paved parking lot. In the 1951 Sanborn map, these two structures were identified as “St. Peters Catholic Church” and a two-story “Parish House.” The 1952 topographic map then showed that San Vicente Boulevard had replaced the Pacific Electric Railway, and Burton Way had replaced the Sawtelle Santa Monica Line. There were no notable changes to the Project Site until a third building (the social hall) was added to the property in 1969. A fourth and final addition was added to the property in 1996 (the chancery building), placing the Project Site in its current configuration. The Project Site has remained relatively unchanged since that time.

(d) Ethnographic Research and Review of Academic Literature

As part of the preparation of the TCR Report, academic and ethnographic literature and materials were reviewed for information pertaining to past Native American use of the Project Site and vicinity. This review included consideration of sources commonly identified through consultation, notably the 1938 Kirkman–Harriman Historical Map often referenced by the Gabrieleño Band of Mission Indians—Kizh Nation (see Figure 3 in the TCR Report).

According to this 1938 map, the Project Site is located between four village sites that are approximately 2 to 3 miles south, southwest, northwest, and northeast. The Project Site is also shown to be approximately 3.5 miles southwest of the Cahuenga Pass and less than 2 miles west of the La Brea tar pits, and a small river or tributary is shown running south towards the Ballona Wetlands directly east of the Project Site. Nonetheless, it should be noted that the 1938 Kirkman–Harriman Historical Map is highly generalized due to scale and age, and may be somewhat inaccurate with regard to distance and location of mapped features. In addition, this 1938 map was prepared more than 100 years following secularization of the missions (in 1833) and does not include specific primary references. As such, while the map matches with the details documented by the Portola expedition (circa 1769–1770) and is considered a valuable representation of post-mission history,

substantiation of the specific location and uses of the represented individual features would require review of archaeological or other primary documentation on a case-by-case basis. Moreover, the reports identified during the CHRIS records search did not provide any information related to the village sites mapped nearest to the Project Site.

Furthermore, at the time of the Portola expedition in 1769 and through the subsequent mission period, the area surrounding the Project Site would have been occupied by Western Gabrieleño/Tongva inhabitants, as shown in Figures 4 and 5 of the TCR Report. Use of Gabrielino as a language has not been documented since the 1930s. One study attempted to map the traditional Gabrieleño/Tongva cultural use area through documented family kinships and Native American recruitment numbers documented in mission records. This process allowed the researchers to identify the relative size of tribal villages (settlements) based on the number of individuals reported in these records. Traditional cultural use area boundaries, as informed by other ethnographic and archaeological evidence, were also drawn around these clusters of villages, as shown in Figure 6 of the TCR Report. As noted above, no villages have been recorded by these sources in the vicinity of the Project Site and the nearest villages were located 2 to 3 miles away.

Based on the TCR Report's review of pertinent academic and ethnographic information, the Project Site falls within the boundaries of the Gabrieleño/Tongva traditional use area. However, no Native American tribal cultural resources have been previously documented in areas that may be impacted by the Project. Further, consultation with traditionally affiliated Native American tribes, to date, has not identified any known tribal cultural resources that will be impacted by the Project.

3. Project Impacts

a. Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

In assessing impacts related to tribal cultural resources in this section, the City will use the foregoing question in Appendix G as the threshold of significance. The *L.A. CEQA Thresholds Guide* does not include any criteria to evaluate tribal cultural resources impacts.

b. Methodology

Dudek completed a CHRIS records search for the Project Site and a 0.5-mile radius on October 10, 2019. The records search included SCCIC's collections of mapped prehistoric and historic archaeological resources and historic built environment resources, Department of Parks and Recreation site records, technical reports, archival resources, and ethnographic references. Additional consulted sources included historical maps of the Project Site, the National Register of Historic Places, the California Register of Historical Resources, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project area. As required by AB 52, California Native American Tribes had the opportunity to initiate consultation to address potential impacts associated with Native American resources. In addition, an SLF search was conducted by the NAHC to determine the presence of any recorded tribal cultural resources on the Project Site.

c. Project Design Features

No project design features are proposed with regard to tribal cultural resources.

d. Analysis of 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), or***
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

(1) Impact Analysis

The estimated depth of excavation for the subterranean parking and building foundations would be approximately 72.5 feet below grade. It is estimated that approximately 110,000 cubic yards of export material (e.g., concrete and asphalt surfaces) and soil would be hauled from the Project Site during the demolition and excavation phase.

Dudek reviewed the documents and maps provided by the Kizh Nation for the AB 52 consultation to determine whether the Project would cause a substantial adverse impact on tribal cultural resources.

As described above in Subsection 2.b.(3), the Kizh Nation provided an 1871 map and stated that there are many trade routes around the Project Site that often included isolated burials and cremations. However, according to the CHRIS records search results, no isolated burials or cremations were identified within or in the immediate vicinity of the Project Site. Moreover, the 1871 map provided appears to be highly generalized and, therefore, the distance of these trade routes in relation to the Project Site may vary significantly. As such, the 1871 map does not provide material evidence that the Project could potentially impact a tribal cultural resource.

The Kizh Nation also provided an 1881 map that it believes indicates that the Project Site is within Rancho La Brea and that the Rancho is located within their ancient village site of Topangna. Dudek's review of the map does indeed show that the Project Site is within the boundaries of the Rancho La Brea, a land grant made by the Mexican government to Antonio Jose Rocha and Nemisio Dominguez in 1828. However, the map does not include any reference to the village site of Topangna. In addition, the more detailed 1898 map provided by the Kizh Nation shows that the Project Site is located outside the western boundary of Rancho La Brea.

The 1898 map provided by the Kizh Nation shows the Project Site's proximity to a railroad. According to the Kizh Nation, railroads were placed on top of traditional trade

routes and the Project Site is in close proximity to a railroad. According to the historic topographic map and aerial images review by Dudek, these railroad routes were transportation lines that were present to the north and east of the Project Site and included the Pacific Electric Railway and the Sawtelle Santa Monica Line. By 1952, these rail lines were removed and replaced with San Vicente Boulevard and Burton Way. Any potential resources that may have existed beneath what was once the railroads were impacted by the construction of these roads. The Project would not impact those roadways and would remain within the confines of a previously developed parcel. Furthermore, the records search results did not identify any previously recorded resources within these roads or the Project Site.

According to the Kizh Nation, the 1938 Kirkman-Harriman map (Figure 3 in the TCR Report) shows that the Project Site is located within the village of Topangna. The Kizh Nation also stated that the map shows the hydrography and waterways that existed around the Project Site, which provided for seasonal or permanent seasonal or permanent hamlets, trade depots, and ceremonial and religious sites. The Kizh Nation stated that these waterways are considered “cultural landscapes” and have the potential to encounter human remains during ground-disturbing activities. However, based on Dudek’s review of the 1938 Kirkman-Harriman map, as previously discussed in Subsection 2.b.(4)(d), the Project Site is actually situated between four villages, all of which were approximately 2 to 3 miles away from the Project Site. It is possible that the Topangna village site that the Kizh Nation refers to as within the Project Site was actually the passage marker for the Portola expedition, which is symbolized on the 1938 map with a flag and dated August 3, 1769 to correlate with records of the Portola expedition. However, the 1938 Kirkman-Harriman does not reflect that the Project Site was located within an Native American village. Furthermore, Dudek has noted that the roughly north-south trending waterway depicted on the 1938 map is approximately 1 mile northeast of the Project Site.

For these reasons, the maps and text submitted by the Kizh Nation do not constitute substantial evidence that the Project could potentially cause a substantial adverse change in the significance of any tribal cultural resources. As Dudek concluded in the TCR Report, the SCCIC records search did not identify any Native American resources within the Project Site or 0.5 mile of the Project Site, and the NAHC SLF search likewise did not indicate the presence of Native American resources on or in close proximity to the Project site. As described in the TCR Report, this absence of past disturbance to such resources within and in the vicinity of the Project Site, as reflected by the records searches, suggests that subsurface soils are unlikely to support intact tribal cultural resources. In addition, no tribal cultural resources have been identified within the Project Site through tribal consultation that would be impacted.

Government-to-government consultation initiated by the City, acting in good faith and after a reasonable effort, has not resulted in the identification of a tribal

cultural resources within or near the Project Site. Therefore, based on current information, the City, in its discretion and supported by substantial evidence, finds that the Project Site does not contain any tribal cultural resources determined by the City to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Accordingly, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe. As such, the Project's impact related to tribal cultural resources would be less than significant.

Nonetheless, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. Should tribal cultural resources be inadvertently encountered, this condition of approval provides for temporarily halting construction activities near the encounter and notifying the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project. If the City determines that the object or artifact appears to be a tribal cultural resource, the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Applicant would then implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resource monitoring plan, and once the plan is approved by the City, ground disturbance activities could resume. In accordance with this condition of approval, all activities would be conducted in accordance with regulatory requirements.

(2) Mitigation Measures

Project-level impacts with regard to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Project-level impacts related to tribal cultural resources were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

e. Cumulative Impacts

(1) Impact Analysis

As provided in Section III, Environmental Setting, of this Draft EIR, a total of 44 related development projects have been identified in the vicinity of the Project Site.

These related projects consist of a variety of land uses, including retail/commercial, residential, restaurant, office, hotel, and mixed uses.

The Project and the related projects are located within a highly urbanized area that has been heavily disturbed and developed over time. Similar to the Project, most of the related projects would also be subject to environmental review where tribal cultural resources would be addressed. Furthermore, impacts on tribal cultural resources tend to be site-specific. As shown in Figure III-1 in Section III, Environmental Setting, of this Draft EIR, a number of related projects are within proximity to the Project Site. Cumulative impacts would occur if the Project, related projects, and other future development within the Community Plan area affected the same tribal cultural resources and communities. As discussed above, there are no tribal cultural resources located on the Project Site and all Project development would remain on-site. However, in the event that tribal cultural resources are uncovered, each related project would be required to comply with the applicable regulatory requirement, mitigation and/or the City's standard condition of approval as deemed appropriate. In addition, related projects would be required to comply with the consultation requirements of AB 52 to determine and mitigate any identified impacts on tribal cultural resources.

Therefore, (1) the Project's impact on tribal cultural resources would not be cumulatively considerable and, therefore, would be less than significant and (2) the cumulative impact of the Project's incremental effect and the effect of related projects related to tribal cultural resources would be less than significant.

(2) Mitigation Measures

Cumulative impacts with regard to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative impacts with regard to tribal cultural resources were determined to be less than significant without mitigation. Therefore, no mitigation measures are required or included, and the impact level remains less than significant.