

IV. Environmental Impact Analysis

L. 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 the District NoHo Project* (TCR Report) prepared by Dudek (March 2022) included as Appendix S of this Draft EIR. Appendix D 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

Assembly Bill (AB) 52 was approved on September 25, 2014. The act amended 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 PRC, Section 21080.3.1(b) and (c).

² PRC, Sections 21080.3.1(d) and 21080.3.1(e).

³ PRC, 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

(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 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 PRC, Section 21082.3(d)(2) and (3)

⁵ PRC, 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.

(b) 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) Current Project Site and Off-Site Metro Parking Areas Conditions

The Project Site includes 15.9 acres of land owned by the Los Angeles County Metropolitan Transportation Authority (Metro) within the North Hollywood–Valley Village Community Plan Area of the City of Los Angeles (City). The Project Site is generally located at 11264–11280, 11320, 11163–11277, 11331–11347 Chandler Boulevard; 11204–11270 Cumpston Street; 5300–5320 Bakman Avenue; and 5311–5373, 5340–5356 Lankershim Boulevard. The Off-Site Metro Parking Areas are located at 11100 Chandler Boulevard (East Lot) and 11440 Chandler Boulevard (West Lot). Both the Project Site and Off-Site Metro Parking Areas are developed with and surrounded by urban uses. The uses at the Project Site and Off-Site Metro Parking Areas include industrial/warehouse buildings, a restaurant, Metro B (Red) Line subway east and west portals, G (Orange) Line Bus plaza, a local bus plaza, and surface parking lots, with the buildings ranging from one- to two-stories in height and totaling approximately 50,836 square feet.⁶ Project Site landscaping is limited to scattered trees and shrubs in the surface parking lots, along the adjacent roadways, and around some of the buildings.

The Project Site and Off-Site Metro Parking Areas are located within the southeastern portion of the San Fernando Valley, approximately 2 miles north of the Santa Monica Mountains and 4 miles southwest of the Verdugo Mountains. The confluence of the Los Angeles River and Tujunga Wash lies approximately 1.7 miles to the south. The elevation at the Project Site averages 632 feet above mean sea level, with the topography sloping gently downwards to the southeast. While surrounded by mountains of the Transverse Ranges, the San Fernando Valley is characterized as a relatively flat alluvial fan. The Project Site is underlain by Pleistocene to Holocene Quaternary alluvium and marine sediments generated by the Transverse Ranges, with the soils dominated by unconsolidated, coarse-detrital of the Urban land-Palmview-Tujunga complex. The subsurface profile of the Project Site consists of shallow fills underlain by native soils.⁷ According to at least one archaeological study previously conducted on a portion of the Project Site (LA-12994 discussed later in this section), the depth of artificial fill on at least a portion of the Project Site has been documented at between five and 15 feet below the ground surface (bgs).

⁶ On December 21, 2020, a fire destroyed the existing building on Block 7. Nevertheless, because it was present at the time the NOP was published on July 7, 2020, it is considered part of the existing conditions.

⁷ Geotechnical Professionals, Inc., *Geotechnical Evaluation Report for CEQA District Noho Mix-Use Development*, March 12, 2020. Included as Appendix H of this Draft EIR.

Due to their location adjacent to a major railroad line, the Project Site and Off-Site Metro Parking Areas were routinely re-developed through the years which would have disturbed the ground and immediately below the ground surface. However, according to the TCR Report: (1) there does not appear to have been any subsurface structures on the Project Site, such as below-grade parking structures or basements; and (2) nearly half of the Project Site is covered by asphalt parking lots which may have capped any TCRs that may potentially be present.

(2) City of Los Angeles Ethnographic Context

The following discussion is a summary of the detailed ethnographic overview provided in pages 17 through 21 of the TCR Report included in Appendix S of this Draft EIR. As discussed therein, it is believed that at least 88 different Native American languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact. The distribution of recorded Native American languages has been dispersed as a geographic mosaic across California through six primary language families. The tribes of the Los Angeles County area have traditionally spoken Takic languages that may be assigned to the larger Uto–Aztecan family. These groups include the Gabrielino, Cahuilla, and Serrano. The amount of internal diversity within these language-speaking communities reflects a time depth of approximately 2,000 years. Other researchers have contended that Takic may have diverged from Uto–Aztecan ca. 2600 BC–AD 1, which was later followed by the diversification within the Takic speaking tribes, occurring approximately 1500 BC–AD 1000.

(a) *Gabrielino (Gabrieleño)/Tongva*

The archaeological record indicates that the Gabrielino arrived in the Los Angeles Basin around 500 B.C. Surrounding native 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” was first established by the Spanish from the San Gabriel Mission and included people from the established Gabrielino area as well as other social groups. Many modern Native Americans commonly referred to as Gabrielino identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and refer to themselves as the Tongva. This term is used here in reference to the pre-Contact inhabitants of the Los Angeles Basin and their descendants.

The Tongva established large, permanent villages along rivers and streams, and lived-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 and stretched from the foothills of the San Gabriel Mountains to the Pacific Ocean. Tribal population has been estimated to be at least 5,000, but recent ethnohistoric work suggests a much larger population, approaching 10,000. Archaeological sites composed of villages

with various sized structures have been identified through the Los Angeles Basin. Within the permanent village sites, the Tongva constructed large, circular, domed houses made of willow poles thatched with tule, each of which could hold upwards of 50 people. Other structures constructed throughout the villages probably served as sweathouses, menstrual huts, ceremonial enclosures, and communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Tongva villages.

The largest, and best documented, ethnographic Tongva village in the Gabrieleño territory was likely that of Yanga (also known as Yaangna, Janga, and Yabit), which was in the vicinity of the downtown Los Angeles. Second in size, and less thoroughly documented, the village of Cahuenga was located just north of the Cahuenga Pass.

The Tongva subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like that of most native Californians, acorns were the staple food (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. Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

Tools and implements used by the Tongva to gather and collect food resources included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Trade between the mainland and the Channel Islands Groups was conducted using plank canoes as well as tule balsa canoes. These canoes were also used for general fishing and travel. The collected food resources were processed food with 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.

Inhumation of deceased Tongva was the more common method of burial on the Channel Islands while neighboring mainland coast people performed cremation. Cremation ashes have been found buried within stone bowls and in shell dishes, as well as scattered among broken ground stone implements. Supporting this finding in the archaeological record, ethnographic descriptions have provided an elaborate mourning ceremony.

Fernandeño speakers, a dialect of Gabrielino, occupied the northeastern most section of the larger Gabrielino territory. Fernandeño takes its name from the establishment of Mission San Fernando, located in the modern-day northcentral San Fernando Valley in eastern Los Angeles County, because it was the dominant language of indigenous peoples housed at the Mission. Though the names Fernandeño and Gabrielino

represent two groups of the larger, Tongva group, these names resulted from Spanish colonization and are not necessarily representative of a specific ethnic or tribal group since traditional tribal names are unknown in the post-Contact period.

(b) Tataviam

The Project area falls south of the ethnographic boundary of the Tataviam. In general, the subsistence strategies of the Tataviam were very similar to the Gabrieleño to the south, although adapted to more mountainous terrain. The Tataviam territories included the upper reaches of the Santa Clara River drainage east of Piru Creek, but also encompassed the Sawmill Mountains to the north and the southwestern portion of the Antelope Valley. Relatively little is known about the Tataviam. Some scholars suggest that the Tataviam may have spoken a language that was uncommonly used in southern California, or that they may have spoken a Takic language like their southern neighbors. One scholar has suggested that the northern edge of Western Tongva lands were home to the Tataviam Takic speakers, a related but separate language from Northern Takic. It is suggested that Tataviam villages varied in size from large centers containing close to 200 people, intermediate villages containing 20-60 people, and small settlements containing 10 to 15 people. Permanent family dwellings were known as Ki'j and consisted of 12- to 20-foot diameter dome-shaped structures fashioned from willow branches.

(3) Assembly Bill 52 Notification and Consultation

The Project is subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to TCRs as part of the CEQA process and requires the lead agency to notify any California groups (who have requested notification) of the Project who are traditionally or culturally affiliated with the geographic area of the Project. Pursuant to AB 52, the City of Los Angeles Department of City Planning sent AB 52 Tribal Consultation Notice letters for the Project on June 8, 2020, 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 San Gabriel Band of Mission Indians
- Gabrielino-Tongva Tribe
- San Fernando Band of Mission Indians
- Soboba Band of Luiseño Indians

- Torres Martinez Desert Cahuilla Indians
- Fernandeano Tataviam Band of Mission Indians

Copies of the notification letters, verification of mailing, the correspondence received from the tribes are included as confidential Appendix D of the TCR Report. Consultation was requested by the Gabrieleño Band of Mission Indians—Kizh Nation and Fernandeano Tataviam Band of Mission Indians. A summary of this process is also provided below.

(a) Gabrieleño Band of Mission Indians—Kizh Nation Consultation

Chairman Andrew Salas, of the Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation), contacted the City on June 16, 2020, requesting formal consultation regarding the Project. A consultation call between the Department of City Planning (City) and Kizh Nation representatives regarding the Project was held on September 2, 2020. Following the consultation, the Kizh Nation sent an email to the City that included screen shots of five historical map images along with a review of each map and screen shots of eight pages of text from literary sources. The Kizh Nation did not provide explanatory text for any of the eight literary sources, but the sources appear to be in reference to the Tujunga Wash, rancherias, villages, and the Cahuenga Pass, though specificity on how this information relates to the Project was not provided. Table 3 in the TCR Report included as Appendix S of this Draft EIR provides the Kizh Nation's summary for each respective historical map.

In addition to the historical maps summarized in Table 3 of the TCR Report, Chairman Salas provided the City with a letter from Dr. E. Gary Stickel regarding proper monitoring (dated August 22, 2018). In this letter, Dr. Stickel discusses the inadequacy of an archaeological pedestrian survey for the identification of subsurface cultural material, the use of ground penetrating radar (GPR) to detect unknown burials prior to project construction, and the reliability of the use of a GPR, and a statement of the use of a monitoring program for project compliance. Additionally, Dr. Stickel states that the only exception of a monitoring program would be when a subject property has been extensively disturbed and all soil deposits to contain cultural material has been removed and/or destroyed. Chairman Salas also included a screenshot of an email from NAHC analyst, Frank Lienert which stated that negative SLF searches do not preclude the existence of sites within the search area, which is explicitly stated on all negative SLF search results. The NAHC also states that they recommend that the requestor contact all tribes on the consultation lists. Additionally, Chairman Salas provided a letter from the SCCIC noting that the absence of archaeological resources within a specific area does not mean that no such resources exist and that there is always a chance that unrecorded archaeological resources could be present on the surface or buried within an area.

Based on the materials provided, including screenshots of letters from an unknown consulting firm, the NAHC, and the SCCIC, the Kizh Nation believes that there is a higher than average potential to impact TCRs within the Project Site. As such, Chairman Salas provided the City with proposed mitigation measures for the Project, including retaining a Native American Monitor to be present during all ground disturbing activities and implementing various protocols and procedures in the event that tribal cultural resources or archaeological resources and human remains are identified within the Project Site. The materials provided by Chairman Salas are analyzed below.

(b) Fernandeano Tataviam Band of Mission Indians

Jairo Avila, Tribal Historic and Cultural Preservation Officer of the Fernandeano Tataviam Band of Mission Indians, contacted the City on June 18, 2020 requesting formal consultation regarding the Project. Mr. Avila also requested to review the following documents: grading/excavation plans; geotechnical report; and cultural resource assessment report. A subsequent email was sent to the City by Mr. Avila on January 14, 2021, stating that there are TCRs within “walking distance”; however, Mr. Avila also states in the email that to date, there are no TCRs that have been reported within the Project Site. The tribe also provided the City with mitigation language for consideration for the management of TCRs based on this information.

(4) Background Research

(a) Sacred Lands File Review

A Sacred Lands File (SLF) search request was submitted to the NAHC for the Project on May 23, 2020. The NAHC replied via email on May 27, 2020, stating that the SLF search was completed with negative results. Because the SLF search does not include an exhaustive list of Native American cultural resources, the NAHC provided a list of nine Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the Project. In compliance with AB 52, the City has contacted all NAHC-listed traditionally geographically affiliated tribal representatives that have requested Project notification as stated previously. Documents related to the NAHC search are included in Appendix C of the TCR Report.

(b) California Historical Resources Information System Review

On June 15, 2020, staff at the South Central Coastal Information Center (SCCIC), located on the campus of California State University, Fullerton provided the results of a California Historical Resources Information System (CHRIS) records search for the Project Site and a 0.5-mile records search buffer, which includes the Off-Site Metro Parking Areas. Due to COVID-19, the SCCIC notified researchers that they are only providing data for Los Angeles County that are digital. The records search included: SCCIC’s collections of

mapped prehistoric, historical, and built environment resources; Department of Parks and Recreation Site Records, technical reports, and ethnographic references. Additional consulted sources included historical maps of the Project Site, the National Register of Historic Places (National Register), the California Register of Historic Resources (California Register), the California Historic Property Data File, the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. The confidential records search results are provided in Appendix A of the TCR Report.

(i) Previously Conducted Cultural Resource Studies

The SCCIC records indicate that 33 previous cultural resource studies have been conducted within the records search area between 1977 and 2015. Of these, six studies are mapped as overlapping/intersecting the Project Site and Off-Site Metro Parking Areas as summarized below. As noted above, reports that are not digitally available were not provided by the SCCIC due to COVID-19 safety protocols. As discussed in the TCR Report, the reports that were provided by the SCCIC are sufficient to characterize the Project Site and Off-Site Metro Parking Areas. Specifically, the absence of the digitally unavailable reports does not materially impact the analysis or conclusions of this study. Spatial boundaries and site forms for all previously recorded archaeological sites, even those documented by presently unavailable reports, would have been provided by the SCCIC. In addition, the existing body of technical reports that were subject to review by Dudek provided a representative sample and understanding of the sensitivity with regard to cultural resources in the area. The following records were reviewed:

- LA-10180: A Determination of Eligibility Report for the North Hollywood Redevelopment Project was prepared by Roger E Hatheway in 1981 for the Community Redevelopment Agency of the City of Los Angeles (CRA/LA). This study was conducted in support of CRA/LA's comprehensive architectural/historical survey program. The study reviewed previously identified structures that were potentially eligible for listing in the National Register to determine eligibility of the historic built environment resources within the survey area. No archaeological resources (including TCRs) were identified within the current Project Site as a result of this 1981 study.
- LA-10507: A Technical Report—Historical/Architectural Resources—Los Angeles Rail Rapid Transit Project "Metro Rail" Draft Environmental Impact Statement and Environmental Impact Report was prepared by Westec Services, Inc. in 1983 for the Southern California Rapid Transit District. The study consisted of a literature review, archival research, and a pedestrian field survey. No archaeologically significant resources (including TCRs) were identified within the Project Site as a result of this 1983 study.

- LA-10537: A Cultural Resources Technical Report for the proposed Metro Rail Line Segment 3, North Hollywood Station was prepared by Dana Slawson in 1995. Because this report was not available in digital format, it was not elaborated upon further by the SCCIC.⁸
- LA-08247: A study prepared by Barbara Silvia in 2000 for the proposed rehabilitation of pavement and associated improvements at the Caltrans Shop 7 Equipment Service Center. Because this report was not available in digital format, it was not elaborated upon further by the SCCIC.⁹
- LA-11906: The letter report for the Metro Orange Line Bus Enhancement-Pedestrian Connector to North Hollywood Red Line Station: Project Update was prepared by Emmanuel C.B. of Metro in 2012.¹⁰ This supplemental letter report discussed a change in project plans to include a landscaping area adjacent to the Lankershim Transit Center Depot (Depot), which is a National Register eligible building, located within the current Project Site. The purpose of the letter report was to obtain California State Historic Preservation Officer (SHPO) concurrence that the proposed landscaping improvements would have no adverse effects to archaeological resources (including TCRs) or the Depot. The 2012 report does not include an update on Metro's request for SHPO concurrence on "No Adverse Effect" on historic properties.
- LA-12994: An Archaeological Resources Monitoring Report was prepared for Metro by Meghan Lamb in 2015. The report documented monitoring services completed in support of a Metro project that proposed the construction of an approximately 150-foot underground pedestrian passage between the street-level North Hollywood Metro G (Orange) Line Bus Rapid Transit station and the underground North Hollywood Metro B (Red) Line subway station, located within the Project Site. A CHRIS records search completed for the project did not identify any previously recorded archaeological resources within the study area. However, observations of subsurface soils during construction monitoring determined that the area had been subject to extensive previous subsurface disturbance as a result of development and artificial fill was documented between five and 15 feet below the ground surface. Although no intact archaeological deposits were encountered during construction activities, 19 isolated historic-age artifacts were recovered from previously disturbed mixed-fill soils extending throughout the project area. A post-field analysis of the diagnostic or dateable

⁸ As noted above, due to COVID-19, SCCIC staff are working remotely and are only able to access digital files. Hardcopy records are currently inaccessible.

⁹ As noted above, due to COVID-19, SCCIC staff are working remotely and are only able to access digital files. Hardcopy records are currently inaccessible.

¹⁰ In December 2019, Metro began updating transit line names from its color-coded system to a letter/symbol system. During the transition phase, line names will include both the letter and color. However, this report was published in 2012 and includes the previous line names.

resources revealed a date range from the mid to late nineteenth century to the early twentieth century. Given that these resources were determined to have been displaced from their original context, no information could be gleaned with regard to their significance to human behavior or activity. For these reasons, these resources were determined to be non-significant cultural resources and therefore ineligible for National Register or California Register listing. The report concludes that the archaeological sensitivity of the project area was low for archaeological deposits (including TCRs) up to five feet below the existing ground surface and low to moderate for depths between five to 50 feet. Additionally, the report states that there is a potential to encounter more historical-age resources within the project area outside of the areas and depths monitored and as such, recommended mitigation for future ground-disturbing activities in the area.

(ii) Previously Recorded Cultural Resources

The SCCIC records indicate that three archaeological resources have been previously recorded within the Project Site consisting of two historic-era sites and one prehistoric (e.g., TCR) isolate. These three resources are described further below. No resources were identified within the Off-Site Metro Parking Areas:

- P-19-003306: Resource P-19-003306 is a historic refuse deposit that was recorded in 2003. Material items identified include ceramic tableware, glass bottles, and miscellaneous metal that date between the early nineteenth to mid-twentieth century. The site was documented to be in poor condition due to damaging grading activities. Artifacts were collected and are currently at the San Bernardino County Museum.
- P-19-003307: Resource P-19-003307 was recorded in 2003 as a collection of remnant architectural features and trash scatter including both domestic and commercial trash, specifically glass, ceramics, and metal. The site is in poor condition due to damaging grading activities; artifacts were collected and are currently at the San Bernardino County Museum.
- P-19-100281: Prehistoric isolate (e.g., TCR) P-19-100281 was recorded in 1998. This area represents Block 8 within the Project Site. The isolate is a sandstone bowl uncovered three meters below the ground surface. The sandstone bowl measures 25 centimeters (cm) in diameter by 12 cm in height and 9.5 cm in depth with a rim thickness of 3 cm. The bowl was found intact, in excellent condition with an asphaltum stain on the exterior rim and was discovered in accordance with a clear soil change. The bowl was collected; however, the site record does not specify where it is currently kept. The recordation does state that the deposit in which the bowl was discovered was intact and that there are possibly more resources at that location, though no other cultural material was observed when the bowl was recovered.

(c) *Ethnographic Research and Review of Academic Literature*

As part of the TCR Report, pertinent academic and ethnographic literature was reviewed for information pertaining to past Native American use of the Project Site and Off-Site Metro Parking Areas. This review included consideration of sources commonly identified through consultation, notably the 1938 Kirkman-Harriman Historical Map (Figure 3 of the TCR Report). Based on this map, the Project Site is situated within a stretch of the Little Tujunga wash and approximately 1.4 miles north of the meandering Los Angeles River, which overlaps and parallels the Spanish road of El Camino Real. According to the map, the Portolá Route is depicted as traveling just south of and parallel to El Camino Real approximately 1.8 miles south of the Project Site. This is consistent with the account of Father Juan Crespi, a member of the Portola expedition, who documents having passed southeast through the Cahuenga Pass on January 16, 1770. This map shows the presence of Native American village sites, symbolized as a red structure on the map, including: one approximately 7.1 miles to the west (named village Siutcanga); two approximately 4.6 miles to the southeast (name undocumented); and one approximately 4 miles to the east (named village of Cahuenga). In addition to these villages, the map depicts a church dated 1805 on a Mission Road, approximately 0.6 mile east of the Project Site. The northwestern terminus of the Mission Road connects to the San Fernando Mission, which is approximately 9 miles north/northwest of the Project Site. Also depicted on the map are two battlefield sites, one dated December 5, 1831, mapped approximately 2.5 miles to the west/northwest and a second dated December 1846 approximately 4.9 miles to the west/southwest.

At the time of Portolá's expedition, and through the subsequent mission period, the area surrounding the Project Site would have been occupied by the Fernandeano sub-group of the Gabrieleño/Tongva (Figures 4 and 5 of the TCR Report). Use of Gabrielino as a language has not been documented since the 1930s. One study made an effort to map the traditional Gabrieleño/Tongva cultural use area through documented family kinships included in mission records which allowed for the identification of clusters of tribal villages (settlements) with greater relative frequencies of related or married individuals than surrounding areas (Figure 6 of the TCR Report). Traditional cultural use area boundaries, as informed by other ethnographic and archaeological evidence, were then drawn around these clusters. According to these maps, the two closest known villages to the Project Site are Siutcabit (more commonly spelled Siutcanga) approximately 7.1 miles to the west (presumed to be CA-LAN-43) and Cabuepet (or more commonly spelled Cahuenga) located approximately 1.5 miles to the southeast.

The Gabrieleño community of Siutcabit is believed to have been located at Rancho El Encino, a 4,461-acre tract of land granted to three ex-mission Indians named Ramón, Francisco, and Roque. When the Portolá expedition passed through the San Fernando Valley in 1769, the explorers stopped at a large freshwater pool located near "a populous

Indian village.” It is believed that the Spanish explorers stopped in an area near present-day Encino, and historians have suggested that this village was in fact Siutcabit. In the mid-1980s, archaeological investigations in Encino revealed evidence of a large village site (CA-LAN-43) that may have been Siutcabit. The village was described then as very populous, with as many as 200 people.

There is evidence that the village of Cahuenga was one of the most populated prehistoric habitation areas in the area. As previously noted, it was likely located approximately 4 miles east of the Project Site near present-day Universal Studios.

Los Encino State Historic Park, located approximately 7 miles to the west of the Project Site, has also been the location of identified and reburied human remains and associated cultural material. Radiocarbon testing dated that site to as early as 5,000 B.C. Most of this site has since been destroyed by development.

3. Project Impacts

a. Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the Project would have a significant impact related to TCRs if the project 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.***

The *L.A. CEQA Thresholds Guide* does not include any criteria to evaluate TCRs impacts. Thus, the potential for the Project to result in impacts related to TCRs is based on the State CEQA Guidelines Appendix G thresholds provided above.

b. Methodology

As indicated previously, the analysis in this section is based on the results of the AB 52 consultation process with applicable Native American Tribes and the TCR Report prepared by Dudek for the Project (included as Appendix S of this Draft EIR).

Pursuant to AB 52, the NAHC-listed California Native American Tribal representatives that requested consultation were notified and provided an opportunity to request consultation in order to address potential impacts associated with Native American resources (e.g., TCRs). As discussed previously, a response was received by the City from the Kizh Nation and Fernandeño Tataviam Band of Mission Indians, and the information provided in these responses about potential TCRs at the Project Site was evaluated in the TCR Report.

The TCR Report documents the results of: (1) a summary examination of the geomorphology of the Project Site; (2) an NAHC SLF records search; (3) a CHRIS SCCIC records search; (4) the AB 52 consultation process; (5) a review of previously conducted cultural resource studies in and around the Project Site; (6) ethnographic research and a review of academic literature; (7) an archaeological field survey of the Project Site; and (8) an extended Phase I (e.g., subsurface) investigation of a portion of the Project Site. Based on this information, the TCR Report assesses the potential for the Project to impact TCRs and makes recommendations for addressing these potential impacts.

c. Project Design Features

No specific project design features are proposed with regard to TCRs.

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

A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (PRC Section 21084.2). AB 52 requires a TCR to have tangible, geographically defined properties that can be impacted by a proposed project.

As discussed above in Section 3.b., Methodology, the analysis in the TCR Report and this Draft EIR is based on (1) a summary examination of the geomorphology of the Project Site; (2) an NAHC SLF records search; (3) a CHRIS SCCIC records search; (4) the AB 52 consultation process; (5) a review of previously conducted cultural resource studies in and around the Project Site; (6) ethnographic research and a review of academic literature; (7) an archaeological field survey of the Project Site; and (8) an extended Phase I (e.g., subsurface) investigation of a portion of the Project Site.

Based on review of pertinent academic and ethnographic information, the Project Site falls within the boundaries of the Gabrieleño traditional use area. As discussed previously, a prehistoric stone bowl was reportedly collected from the Project Site. This aside, the level of previous disturbance and record of previous findings must be taken into account when considering the potential for buried prehistoric resources (e.g., TCRs) to be present. As documented in the previous summary of report LA-12994, the northwestern portion of the Project Site west of Lankershim and north of Chandler was documented to have historic-era fill soil between five and 15 feet of below the existing ground surface. This indicates that surface soils above this depth, and those clearly delineated fill soils, have, at a minimum, been subject to substantial disturbance. No prehistoric material or surface soils with potential to contain intact prehistoric (e.g., TCR) deposits were documented to be present during monitoring efforts in this area.

(a) Archaeological Field Survey

The TCR consultant conducted a pedestrian archaeological field survey of the Project Site on September 1, 2020. Archaeological surveys focus on areas with exposed ground surface. Therefore, due to the developed nature of the Project Site, the archaeological survey for the Project was limited to Block 8 and Block 0 West. Areas of exposed ground surface within Block 0 West consist of landscaped areas surrounding the G (Orange) Line bus plaza, the B (Red) Line subway west portal, and the Lankershim Depot. Block 8 is a dirt lot that is currently used as a Metro construction laydown yard with parked construction vehicles, equipment, and on-site office trailers. As such, an approach was employed with archaeologists walking parallel transects, spaced no more than five meters apart (approximately 16 feet) when possible and visually inspecting areas that were physically inaccessible. The ground surface was inspected for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, groundstone tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of structures and/or buildings (e.g., standing exterior walls, post holes, foundations), and historical artifacts (e.g., metal, glass, ceramics, building materials). Ground disturbances such as burrows, cut banks, and drainages were also visually inspected for exposed subsurface materials. The entirety of Block 0 West was developed and landscaped whereas Block 8 has been subject to disturbances from grading and was actively being used as a Metro construction laydown yard. No archaeological resources (e.g., potential TCRs) were identified/collected within Blocks 0 West or Block 8 as a result of the survey.¹¹ See the Archaeological Report, included as Appendix E of this Draft EIR, for further discussion.

(b) Extended Subsurface Investigation

Based on the review of information provided by the SCCIC, it was considered possible that prehistoric resources associated with isolate P-19-100281 could fall within Block 8 of the Project Site, presently a gravel staging and storage yard located southwest of Chandler and Lankershim Boulevards. Dudek conducted the excavation of three exploratory shovel test probes (STPs) on September 1, 2020, to determine subsurface conditions within Block 8 of the Project Site. This extended subsurface Investigation is documented in the Archaeological Report included as Appendix E of this Draft EIR. Probing involved the excavation of three STPs: one STP was excavated near the northern portion of the yard, one near the central portion, and one near the southern limits of Block 8. STPs were placed in areas that were unobscured by construction staging equipment, vehicles, and office trailers.

¹¹ Dudek, *Cultural Resources Survey and Extended Phase I Report for the District NoHo Project*, October 7, 2020.

In general, documented soils were observed to be disturbed from zero to two meters bgs and likely extend beyond the terminated depth. The STPs were terminated at two meters as deeper depths were beyond the reach of the hand tools used for the subsurface testing. No intact soils or archaeological deposits (including TCRs) were observed to be present and soils appeared to be mixed. These findings, in conjunction with the lack of additional substantial information documenting the potential presence of prehistoric archaeological resources in the area, suggests that Block 8, as well as other portions of the Project Site, have a low potential for prehistoric cultural resources (e.g., TCRs), and it remains unclear why the prehistoric stone bowl was present.

(c) Consultation

(i) Fernandēño Tataviam Band of Mission Indians

Dudek reviewed the information provided by the Fernandēño Tataviam Band of Mission Indians during the course of the AB 52 process. Although Mr. Avila stated that there are TCRs within “walking distance” of the Project Site in his correspondence with the City on January 14, 2021, Mr. Avila also stated within that same response that to date, there are no TCRs that have been reported within the Project Site. The tribe also provided the City with mitigation language for consideration for the management of TCRs based on this information. To date, no other responses have been received from the tribe regarding TCRs or other concerns about the Project and the City closed consultation on February 15, 2022.¹² No specific mitigation language as provided by the Fernandēño Tataviam Band of Mission Indians is required for the Project

(ii) Kizh Nation

The Kizh Nation provided screenshots of 1871, 1898, and 1938 maps and stated that there are trade routes near the Project Site that often included isolated burials and cremations. Based on the archaeological record, as documented by CHRIS records search results, no isolated burials or cremations were identified within or in the immediate vicinity of the Project Site. The referenced maps are spatially generalized, i.e., the location and relative distance to these trade routes in relation to the Project Site may vary significantly. Additionally, early maps such as the 1938 Kirkman-Harriman map provided by the Kizh Nation are intended to represent cartographic interpretation of often brief historical descriptions. The locations of prehistoric trade routes, in particular, should be understood as the cartographer’s best guess at connecting key map elements or known points of interest. Although trade routes could be considered a TCR, these maps alone do not provide material evidence that the Project could potentially impact a TCR.

¹² The City sent a corrected close of consultation letter to Fernandēño Tataviam Band of Mission Indians on February 28, 2022.

The Kizh Nation also provided screenshots of 1881 and 1901 maps with the intent of demonstrating the Project's close proximity to a railroad and suggested that railroad corridors were placed along optimal travel routes also used by prehistoric people. No specific correlation is documented or otherwise substantiated between historical/modern and prehistoric travel routes in this region through the archaeological evidence. As discussed in greater detail in the TCR Report, the railroad that once bisected the Project Site was removed sometime in the early 2010s and the removal of rail lines and associated features would have disturbed soils likely to contain cultural materials. Moreover, as discussed above in Section 2.b.(4)(b)(i), report LA-12994 documents construction monitoring activities for a Metro project that overlaps the current Project Site, generally along the route of the former east-west traveling Southern Pacific railroad tracks. According to report LA-12994, monitoring observations for that Metro project determined that the area had been subject to extensive previous subsurface disturbance as a result of development and artificial fill was documented between five and 15 feet below the ground surface. The deposition of such fills would have required excavation from the surface. Given that the vast majority of prehistoric resources would be anticipated to be within 15 feet of the surface, this suggests that any intact cultural material within the former route of the Southern Pacific railroad tracks may have been removed, displaced, or destroyed.

The 1901 and 1938 maps provided by the Kizh Nation show the hydrography and waterways that existed around the Project area, which provided for seasonal or permanent seasonal or permanent hamlets, trade depots, and ceremonial and religious sites. Further, the Kizh Nation stated that these waterways are considered "cultural landscapes" and have the potential to encounter human remains during ground-disturbing activities. A review of the 1938 map does depict a roughly northwest-southeast trending wash associated with the Little Tujunga wash as overlapping the Project Site; however, the map provided appears to be highly generalized and, therefore, the distance of this wash in relation to the Project Site may vary significantly. The CHRIS records search results did not identify isolated burials or cremations within, or in the immediate vicinity of, the Project Site, nor is there any specific landscape-focused documentation correlating the historical washes with specific patterns of prehistoric use. As such, these maps do not provide material evidence that the Project could potentially impact a TCR.

According to the Kizh Nation, the 1938 Kirkman-Harriman map (included as Figure 3 of the TCR Report) shows that the Project Site is located within the sacred village of Cahuenga/Maungna. However, as previously discussed in Section 2.b.(4)(c), Ethnographic Research and Review of Academic Literature, which addresses the 1938 Kirkman-Harriman map, the village of Cahuenga is documented through mission-era records as approximately 1.5 miles southeast of the Project Site.

The Kizh Nation provided a letter from Dr. Stickel regarding the reliability of an archaeological pedestrian survey, the use of a GPR to identify burials, and the

implementation of a monitoring program for project compliance. Dr. Stickel states in his letter that the exception to the necessity of a monitoring program would be when a subject property has had all soil deposits that would contain cultural materials removed and/or destroyed. Additionally, the Kizh Nation provided screen shots of a statement from the NAHC and a letter from the SCCIC regarding the potential to encounter subsurface archaeological resources regardless of the negative SLF and CHRIS records search results. No project-specific information relating to cultural resources or TCRs was provided as part of this comment.

A search of the NAHC's SLF (completed May 27, 2020) was negative for the presence of Native American resources (e.g., TCRs). Records on file with the SCCIC document a prehistoric isolate to have been identified within Block 8 of the Project Site, which is presently used as a graveled staging and storage area. With the intent of further investigating the potential for prehistoric (e.g., TCR) resources, Dudek completed a pedestrian survey and an exploratory subsurface investigation of this area. As discussed in the TCR Report, subsurface soils in the area were found to have been substantially disturbed, containing mixed soils and historic-era material to a depth of at least two meters. Documentation of archaeological monitoring for construction of the Metro station located immediately north of this area, which allowed for direct observation of subsurface conditions, indicates that soils have been mixed with fill from adjacent areas to a depth of up to 5 to 15 feet below the surface in the general vicinity. Dudek's subsurface exploratory excavation of Block 8 indicated that mix soils containing historic-era debris were present up to 200 centimeters (6.56 feet) below the surface. These two lines of independent information, taken together, strongly suggest that subsurface soils within Block 8 are also underlain by disturbed historic-era fill soils. As such, the potential for encountering prehistoric cultural resources (e.g., TCRs) at the Project Site is considered low.

For these reasons, the comments, maps, text, and letters/statements 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 TCRs. The character and severity of past disturbance within, and in the vicinity of, the Project Site, suggest that subsurface soils are unlikely to support intact prehistoric cultural resources or TCRs. No specific known TCRs have been identified within the Project Site through tribal consultation that would be impacted. All traditionally culturally affiliated Native American tribes that have requested to be notified by the City were contacted. The City then consulted with both tribes that requested consultation, including the Gabrieleño Band of Mission Indians—Kizh Nation and the Fernandeano Tataviam Band of Mission Indians. Throughout this process of government-to-government consultation, the City has reviewed all information provided relating to TCRs. Consultation completed to date has represented a good faith and reasonable effort; consultation pursuant to AB 52 was concluded by the City on February 15, 2022.

(d) Conclusion

Based on the above, the City finds that the Project Site does not contain any known resources determined by the City to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 (e.g., TCRs). **Nevertheless, out of an abundance of caution, and based on consultation with the Tribes, the extensive area of excavation required under the Project, and reported proximity to past trade routes, impacts to Tribal Cultural Resources would be considered potentially significant prior to mitigation.**

The Project would include excavations to a maximum depth of approximately 60 feet bgs which would extend below the existing fill at the Project Site, and these excavations could potentially encounter and affect any potential unknown subsurface TCRs that may be present at the Project Site. Despite the low likelihood of resources on site, out of an abundance of caution, mitigation measures related to TCRs are included in the event that such a resource is discovered. Mitigation Measures identified in Section IV.B, Cultural Resources, of this Draft EIR, include language which also considers potential TCR impacts. Specifically, CUL-MM-4 includes a worker training program that covers tribal cultural resources in addition to cultural resources as part of the training program. CUL-MM-5 implements monitoring for Cultural Resources, and requires the monitor to be a qualified tribal cultural expert capable of monitoring the site and identifying any potential resources. Finally, in the event that a resource is uncovered and is identified as a potential tribal cultural resource, CUL-MM-6 requires that the procedures set forth below under Tribal Cultural Resources Mitigation Measures TCR-MM-1 be followed. TCR-MM-1 sets forth standard procedures were a resource to be discovered on site as part of construction activities.. Should a potential TCR be inadvertently encountered during Project excavation and grading activities, TCR-MM-1 requires for temporarily halting of construction activities near the encounter and notifying the City and the 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 a potential resource appears to be a TCR (as defined by PRC Section 21074), 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 TCR monitoring plan and once the plan is approved by the City, ground disturbance activities could re-commence. Additionally, as part of the consultation process, the Fernandeno Tataviam Band of Mission Indians requested to be consulted in the event TCRs are encountered during construction. The City has included a provision in TCR-MM-1 to consult further with both the Fernandeno Tataviam Band of Mission Indians

and Kizh Nation in the event TCRs are encountered. Through TCR-MM-1, all activities would be conducted in accordance with regulatory requirements.

As such, based on the City's discretion and consultation with Tribal Representatives, out of an abundance of caution it is determined that potential Project impacts on any currently unknown TCRs that may be present at the Project Site would significant prior to mitigation.

(2) Mitigation Measures

Mitigation Measure TCR-MM-1: In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (i.e., excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil, or a similar activity), all such activities shall temporarily cease in the immediate vicinity of the potential resource until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities in the immediate vicinity of the potential resource and contact the following:
 1. all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project (including but not limited to the Fernandeano Tataviam Band of Mission Indians and Gabrieleño Band of Mission Indians);
 2. and the Department of City Planning at (213) 473-9723.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- If any tribe recommends monitoring of future ground disturbances, and such monitoring is determined to be reasonable and feasible, a culturally affiliated tribal monitor shall be retained by the City at the Applicant's expense, in addition to the archaeological cultural monitoring that is separately required pursuant to Mitigation Measure CUL-MM-5.

- The qualified archaeologist identified in Mitigation Measure CUL-MM-5 and the culturally affiliated tribal monitor shall determine if the tribal recommendations are reasonable and feasible, at which point the Applicant shall implement the recommendations, in addition to the measures below.
- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities in the immediate vicinity of the potential resource and any radius identified in the tribal or City recommendations until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

(3) Level of Significance After Mitigation

With implementation of the above mitigation measure, in tandem with CUL-MM-4 through CUL-MM-6, impacts to TCR would be less than significant.

e. Cumulative Impacts

(1) Impact Analysis

As provided in Section III, Environmental Setting, of this Draft EIR, a total of 34 related projects have been identified. While the Project and the related projects are proposed within a geographic area that has experienced past Native American activity, they are also located within a highly urbanized area that has been extensively disturbed and developed over time; many of the related projects, like the Project, are proposed on sites where the soils have been highly disturbed and mixed, and that include imported fill. In addition, impacts to TCRs tend to be site-specific unless multiple projects impact the same TCR such as could occur in the vicinity of a Native American village; however, per the previous Project-level analysis, no Native American villages are known to have existed in the immediate vicinity of the Project Site. Furthermore, as indicated in the previous Project-level analysis, the Project would not impact any known TCRs and would result in less than significant impacts to any unknown subsurface TCRs that may be unearthed at the Project Site with implementation of Mitigation Measures TCR-MM-1 and CUL-MM-4 through CUL-MM-6; therefore, the Project would not contribute considerably to cumulative TCR impacts. Lastly, each of the related projects would be required to mitigate any impacts to known TCRs and, like the Project, would be required to adhere to AB 52 consultation requirements and either the City's inadvertent discovery COA for TCRs or mitigation as applicable. For all these reasons, cumulative impacts to TCRs would be less than significant.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

Impacts were determined to be less than significant without mitigation. Therefore, no mitigation measures were required, and the impact level remains less than significant.