

Appendix I
Tribal Consultation Letters

Appendix I.1

Gabrieleño Band of Mission Indians - Kizh Nation



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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January 13, 2021

IN REPLY PLEASE

REFER TO FILE:

SWQ-2

Mr. Andrew Salas
Gabrieleño Band of Mission Indians - Kizh Nation
P.O. Box 393
Covina, CA 91723

Dear Mr. Salas:

CONCLUSION OF ASSEMBLY BILL 52 CONSULTATION FOR THE PROPOSED 2020 LA RIVER MASTER PLAN PROJECT LOS ANGELES COUNTY

Thank you for the opportunity to consult with the Gabrieleño Band of Mission Indians - Kizh Nation (Kizh Nation) regarding potential impacts to Tribal Cultural Resources for the 2020 LA River Master Plan (Project). The purpose of this letter is to summarize and conclude the Assembly Bill (AB) 52 consultation between the lead agency, the County of Los Angeles (County), acting through Los Angeles County Public Works (Public Works) and the Kizh Nation (PRC § 21080.3.2(d)).

Pursuant to California Public Resources Code (PRC) Section 21082.3(d), the County intends to certify a Programmatic Environmental Impact Report (PEIR) prepared under the California Environmental Quality Act (CEQA) for the proposed Project and approve the Project.

Public Works sent the formal notification letter to Native American tribes on May 20, 2020. Kizh Nation is one of the Tribes that requested to be informed of projects in its geographic area pursuant to PRC Section 21080.3.1. On June 22, 2020, Chairman Salas of the Kizh Nation responded via e-mail requesting consultation because the project area is within Kizh Nation ancestral tribal territory, within a sensitive area, and has potential to cause a substantial adverse change in the significance of Tribal Cultural Resources.

A consultation meeting was held virtually on August 19, 2020, with Chairman Salas and Mr. Matthew Teutimez of the Kizh Nation; Ms. Ariana Villanueva, Ms. Grace Komjakraphan-Tek, and Ms. Christine Wartman from Public Works; and Ms. Tanvi Lal and Ms. Karen Crawford of ICF, the consulting firm to Public Works, with a follow-up virtual consultation meeting held on August 26, 2020. As part of the consultation the Kizh

Mr. Andrew Salas
January 13, 2021
Page 2

Nation provided Public Works with territory maps and recommended mitigation language for Cultural and Tribal Cultural Resources in an e-mail dated October 5, 2020. All materials received from the Kizh Nation will be kept confidential in administrative files for reference but not distribution (PRC § 21080.3.2(c)(1)). On October 22, 2020, Public Works shared the draft Cultural and Tribal Cultural Resources mitigation measures, which incorporated the Tribe's input, with Kizh Nation Tribal representatives via e-mail for review and comment. Between November 6, 2020, and December 1, 2020, the Kizh Nation and Public Works discussed over e-mail how the Kizh Nation input is incorporated into the mitigation measures reflected in the draft PEIR and will be included in the Mitigation Monitoring and Reporting Plan to be recommended for adoption as part of the EIR certification process.

On December 16, 2020, the Kizh Nation agreed to conclude the Native American consultation for the Project via e-mail to Public Works from the Kizh Administrative Specialist. As a result of the consultation, the Tribe's comments regarding mitigation measures on the enclosed have been incorporated into the 2020 LA River Master Plan PEIR. This concludes consultation pursuant to PRC Section 21080.3.2(b).

Public Works greatly appreciates the opportunity to discuss the Project with the Kizh Nation through the collaborative consultation process. Thank you for your valuable input during our consultation.

If you have any questions, please contact me at (626) 458-4325 or at palva@pw.lacounty.gov or Ms. Ariana Villanueva at (626) 458-7146 or AVillanueva@pw.lacounty.gov.

Very truly yours,

MARK PESTRELLA
Director of Public Works



PAUL ALVA
Assistant Deputy Director
Stormwater Quality Division

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Enc.

CUL Mitigation Measures

Mitigation Measure CR-1a. Conduct Cultural Resources Assessment for Historical/Built Archaeological, and Tribal Cultural Resources to Determine Presence of Resources.

For later activities under the 2020 LA River Master Plan, during design and prior to construction, the implementing agency will conduct a cultural resources assessment to determine the potential for presence of historical/built, archaeological, and tribal cultural resources.

As part of this assessment, the implementing agency will identify sensitive historical resources, which may be physically outside the construction area, but could be impacted by changes in noise levels or alterations to visual continuity, if these features are important to the significance of the historical resources. During the design phase of the project, the implementing agency will conduct a records search/literature review. The records search will be conducted at the South Coastal Central Information Center and will cover ¼-mile around the location-specific project study area. The records search will provide background information on cultural surveys and site identification and will be supplemented by reviewing the maps/tables of identified historical resources. For the literature review, additional background research conducted online and in person will be conducted.

Required information sources will include, at a minimum:

- NRHP National Park Service online website (<https://www.nps.gov/subjects/nationalregister/database-research.htm> and <https://www.nps.gov/subjects/nationalregister/database-research.htm>)
- Office of Historic Preservation (https://ohp.parks.ca.gov/?page_id=30338)
 - California Historical Landmarks
 - California Points of Historical Interest
 - California Historical Resource Inventory System
 - California Register of Historical Resources (CRHR)
- Local historical societies
- Local registers and general plans
- Sacred Land File Search at Native American Heritage Commission

Supplemental information sources that could be consulted include:

- Sanborn maps (available at the Los Angeles Public Library)
- Historic U.S. Geological Survey quadrangles
- Historic aerial maps
- Ethnographic data
- Surface geological data

In addition to conducting literature review and searches, the implementing agency tiering from the PEIR will coordinate with the applicable California Native American Tribe, to verify the presence/absence of TCRs in the area of potential impact. The California Native American Tribe will identify TCRs and provide substantial documentation of the TCR per PRC Section 5024.1. All TCR documentation and information obtained during consultation will be confidential and not included in public documents.

If, following the records search, literature review, sacred land file search, and coordination with the tribe, it is determined that there are no historical/built, archaeological, and tribal cultural resources present in the area of potential impact, then the impact would be less than significant and no further action is required.

If, following the records search, literature review, sacred land file search, and coordination with the tribe it is determined that historical/built, archaeological, or tribal cultural resources are present in the area of potential impact, then the following Mitigation Measures would be implemented.

Mitigation Measure CR-1b. Conduct Cultural Resources Investigations for Historical/Built Archaeological, and Tribal Cultural Resources and Implement Findings

- **Conduct Field Survey of API:** The implementing agency will hire qualified architectural historians and/or historians and archaeologists to physically inspect the API, to verify the presence or absence of known historical resources and to document potentially historical resources. This will be accomplished through intensive pedestrian surveys, photo-documentation, and written notes, at a minimum.
- **Record and Identify Cultural Resources:** Each historical resource and archaeological site that has been previously identified will be recorded with an updated California Natural Resources Agency – Department of Parks and Recreation DPR form (Continuation Sheet, DPR 523-L). Newly identified historical resources and archaeological sites will be recorded on DPR 523A (Primary Record), DPR 523B (Building, Structure, Object Record), and DPR 523J (Location Map), with recordation on DPR 523D (District Record), DPR523E (Linear Feature Record) and DPR 523L (Continuation Sheet) completed as appropriate. DPR forms will be completed by a qualified architectural historian, historian or archaeologist.
- **Prepare Technical Report and Evaluate Identified Resources:** The report will include the background, research, methods, results and evaluation of any identified cultural resources. All cultural resources identified in the project area will be evaluated for their inclusion in the CRHR and, if determined to be historical resources (eligible), then a determination of impacts would occur. Each technical report, which includes proposed subsurface work elements, will need to include a buried site sensitivity analysis which assesses the potential for the location-specific subsequent project study area to contain buried cultural deposits. For areas determined to be sensitive for buried deposits, archaeological monitoring will be required.

If, following the physical survey of the API, and eligibility determination, it is determined that the later activity *would not* cause an adverse change in the significance of a significant historical resource, then the impact would be less than significant and no further action is required.

If, following the physical survey of the API, and eligibility determination, it is determined that the later activity *would* cause an adverse change in the significance of a significant historical

resource, then the impact would be significant and the following Mitigation Measures will be implemented:

Mitigation Measure CR-2a: Avoid or Relocate Historical/Built Resources.

If significant impacts are identified for historical/built resources after completing Mitigation Measure CR-1 above, the implementing agency will implement one of the following measures:

- **Avoidance/Redesign:** Avoid historical resource impacts during the design process and require redesign of the project to avoid impacts, or
- **Relocation:** If a historical resource cannot be avoided but can be relocated (if location, setting, and association are not important aspects of its integrity or support the significance of the resource), then the following actions are required:
 - Contact local historical societies, community resource groups, and/or local groups with an interest in the type and/or style of the historical resource who may have a suitable site for relocation
 - Contact specialized movers of historical resources to develop a plan for preparing of and moving of the resource from its original location, and groundwork necessary for the transplanting of the resource to the new location.
 - Conduct photo documentation of the resource in the original and new locations.

Mitigation Measure CR-2b: Prepare and Implement Historical Resources Mitigation Plan during Construction.

If historical resources are present in the API and cannot be avoided in the design stages nor relocated, then the implementing agency will prepare a Historical Resources Mitigation Plan for Construction. The following actions are required in the preparation of the HRMP:

- Survey or photographic documentation of the historical resource before construction begins as a baseline condition for assessing damage.
- Preparation of protocols for the documentation of inadvertent damage, should it occur, as well as notification to the appropriate owner and/or jurisdiction.
- Strategy for repair of historical resource in accordance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historical Properties (Standards).

Mitigation Measure CR-2c: Prepare Noise and Vibration Plan for Construction.

If noise and/or vibration are considered a potential significant impact of construction, then instrumentation that will capture those impacts will be installed at a suitable location as necessary, i.e. noise and/or vibration monitors and the feedback from those instruments will be reviewed on a regular basis by qualified preservation architects and/or historic preservation specialists. These instruments will monitor the historical resource for physical changes, such as cracks in the exterior material, or inadvertent changes to a historical resource, such as character-defining features falling from a structure, due to increased vibration. A pre-construction survey must be prepared for each individual historical resource to identify existing issues, such as cracks, or other damage, which must include

general photos of the historical resource, detailed photos of existing damage, and detailed photos of potentially impacted features. Instrumentation may be physically attached to building/structures or placed in close vicinity if damage would occur from the installation of the measuring instruments. Similarly, pre-construction noise surveys will establish base levels of noise if a quiet setting is a character-defining features of the historic setting. During and post-construction noise measurements must be taken to determine if ambient or specific noise occurrences are present. Thresholds would be determined on a case-by-case basis. If impacts are discovered due to noise and vibration, then a strategy for repair in accordance with the Standards would be required. See CR-2b.

Mitigation Measure CR-3a: Avoid Impacts on Historical/Built Resources During Operations.

If historical resources are identified within a project API during design of subsequent projects, indirect effects during operations shall be avoided, including redesigning project elements. Specific steps to be taken during operations include but are not limited to the following:

- Secure resource from accessibility or visitation.
- Prepare operations and maintenance/restoration plan to avoid degradation of resource. Identify a baseline of conditions (photo-documentation, written documentation) that is stored with the appropriate jurisdiction (Los Angeles County, or other implementing agency) in the plan, with a requirement that the implementing agency or project proponent conduct visual inspection of the historical resource at least twice a year. The baseline condition report must be supplemented with yearly photographs, yearly updates on condition, and any additional reports related to vandalism, accidental damage due to humans or animals, and damage due to weather or earthquakes.

Mitigation Measure CR-3b: Prepare and Implement Historical Resources Mitigation Plan for Operations.

If historical resources are present in the API and potential effects cannot be avoided in the design stages or the resource cannot be relocated, then the implementing agency will prepare an Historical Resources Mitigation Plan for operations. The following actions will be implemented for the HRMP:

- Survey or photographic documentation of the historical resource will be completed before construction begins as a baseline condition for assessing damage.
- Preparation of protocols for the documentation of inadvertent damage, should it occur, as well as notification to the appropriate owner and/or jurisdiction.
- Strategy for repair of historical resource in accordance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historical Properties (Standards).

Mitigation Measure CR-3c: Prepare Noise and Vibration Plan for Operations.

If determined that noise and/or vibration are considered a potential significant impact of operations, then instrumentation that will capture those impacts will be installed, i.e. noise and/or vibration monitors and the feedback from those instruments will be reviewed on a regular basis by qualified preservation architects and/or historic preservation specialists.

These instruments will monitor the historical resource for physical changes, such as cracks in the exterior material, inadvertent changes to a historical resource, such as character-defining features falling from a structure, due to increased vibration. A pre-construction survey must be prepared for each individual historical resource to identify existing issues, such as cracks, or other damage, which must include general photos of the historical resource, detailed photos of existing damage, and detailed photos of potentially impacted features. Instrumentation may be physically attached to building/structures or placed in close vicinity if damage would occur from the installation of the measuring instruments. Similarly, pre-construction noise surveys will establish base levels of noise, if a quiet setting is a character-defining features of the historic setting. During and post-construction noise measurements must be taken to determine if ambient or specific noise occurrences are present. Thresholds would be determined on a case-to-case basis. If impacts are discovered, then a strategy for repair in accordance with the Standards would be required. See CR-2b.

Mitigation Measure CR-4a: Retain a Qualified Archaeologist.

The implementing agency will retain a qualified archaeologist defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology to carry out all mitigation measures related to prehistoric and historic period archaeological resources. The qualified archaeologist will be the subsequent project's Principal Investigator and will oversee and direct all archaeologists working on the subsequent project. For TCRs, a Native American Monitor, as determined by the appropriate Native American Tribe(s) during consultation will coordinate with the Qualified Archaeologist as needed for Mitigation Measure Implementation.

Mitigation Measure CR-4b: Avoid Significant Archaeological Sites or TCRs through Establishment of Environmentally Sensitive Areas (ESAs).

If significant archeological sites or TCRs are identified in the API, where feasible, avoidance is the preferred method of treatment. Impacts on significant archaeological resources can be avoided through establishing fencing around the known boundaries of these resources and delineating these locations as Environmentally Sensitive Areas (ESAs). Preservation in place of archaeological materials maintains the critical relationship between archaeological artifacts and their archaeological context. Additionally, should sacred objects or objects of religious importance to Native American groups be identified, preservation in place avoids conflicts with traditional values of groups who ascribe meaning to these resources.

Mitigation Measure CR-4c: Provide Archaeological and Native American Monitoring and Establish Archaeological Monitoring Plan.

If avoidance is not feasible, and if the subsequent project-related ground disturbance is anticipated to occur at archaeological sites identified as a result of the archaeological fieldwork and inventory efforts, an archaeologist will be present to monitor the ground-disturbing activity. If ground-disturbing activities are to proceed at archaeological sites, which contain Native American cultural materials, a Native American monitor will be retained in addition to an archaeological monitor. Prior to the commencement of fieldwork, an Archaeological Monitoring Plan (AMP) will be developed to guide archaeological monitoring work during ground-disturbing activities.

The AMP will be prepared and the Native American Consulting Tribes will be provided the opportunity to review and provide comments. The AMP will outline the requirement to conduct Cultural and Tribal Cultural Resource Awareness Training for construction workers and qualifications necessary for archaeological monitors. The plan must also detail the locations where archaeological monitoring will take place and the depths of excavation that will require monitoring. The AMP must include roles and responsibilities for cultural resources staff and contact information for the Archaeological Principal Investigator, archaeological and Native American monitors, and appropriate management staff.

The AMP must detail monitoring procedures, discovery protocols, and general procedures for documenting and recovering archaeological materials, artifact identification, repository institution identification, associated repository fees, guidelines for preparing the archaeological monitoring, and mitigation final report. The AMP must also include protocols for communication and response should an unanticipated discovery be made at times that archaeological monitors are not present.

The AMP must require attendance by construction personnel at a preconstruction meeting led by a Qualified Principal Investigator/Project Archaeologist. The Principal Investigator/Project Archaeologist will explain the likelihood for encountering archaeological resources, what resources may be discovered, and the methods that will be employed if anything is discovered (who to call, construction diversion away from the find, etc.). The AMP must include an example proposed letter regarding transfer of salvaged materials to an appropriate museum curation facility, an example daily monitoring report form, and all other pertinent archaeological resources recordation and analysis forms.

The Native American monitor should be affiliated with a local Native American tribe. At a minimum, the archaeological monitor will meet the Society for California Archaeology professional qualification standards for an archaeological crew leader and will work under the direction of an individual that meets the Secretary of the Interior's Standards and Guidelines for Archaeology.

If unanticipated discoveries are made during archaeological monitoring, then the unanticipated discoveries protocol described in CR-5 will be enacted. This includes halting ground-disturbing activities for a reasonable period of time, consultation with the lead agency and Native American representatives (if the find is Native American in origin), development of a mitigation plan, and potentially development and implementation of a data recovery plan. In the event of an unanticipated discovery of human remains, the archaeological monitor will follow the HSC 7050.5, (CR-7), described in Section 3.4.2.2 of the PEIR.

Mitigation Measure CR-4d: Develop and Implement an Archaeological Evaluation and Treatment Plan (AETP) to Evaluate Potentially Significant Archaeological Discoveries.

If an existing archaeological resource cannot be avoided and has not been evaluated for the CRHR, then evaluation, testing excavations, recovery and treatment will be needed to reduce the impacts to the resource. An Archaeological Evaluation and Treatment Plan (AETP) will be developed that describes methods and procedures for conducting subsurface excavations to determine the vertical and horizontal extents of an archaeological site. Implementation of such a plan may include mechanical and/or manual excavations to provide data on the cultural constituents at the site and the depositional context of such materials (if found to exist). These data can be used to determine the integrity of the site and to make a formal evaluation based on

the eligibility criteria set forth in CEQA and Section 106 of the National Historic Preservation Act for inclusion in the CRHR and NRHP. The AETP should define the parameters of archaeological testing at the site, and the extent of excavation and analysis of any materials recovered. The AETP must also include guidelines for treatment and curation of any materials recovered during the testing process. Subsequent to implementation of the AETP, a technical report describing the methods and results of archaeological testing and formal evaluations of the archaeological sites and recommendations for further treatment will be completed. The AETP will be approved by the lead agency and should involve consultation and review by interested Native American groups, if applicable.

Mitigation Measure CR-5: Temporarily Halt Ground Disturbance for Unanticipated Discoveries per SOI Standards.

If buried cultural resources of potential significance are discovered inadvertently during ground-disturbing activities, work will be temporarily halted in the area and within 50 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the implementing agency. If the find is prehistoric or Native American in origin, consultation with local Native American tribes who have expressed interest and concern regarding the proposed Project will be undertaken.

The Implementing agency's Principal Investigator will notify the lead agency to discuss the significance determination and will also submit a letter indicating next steps required. If the discovery is determined to be not significant in consultation with the lead agency, work will be permitted to continue in the area. If, in consultation with the lead agency, a discovery is determined to be significant, the implementing agency will prepare a mitigation plan to be carried out in accordance with state guidelines. If the resource cannot be avoided, the implementing agency will develop a data recovery plan to ensure collection of sufficient information to address archaeological and historical-period research questions, with results presented in a technical report describing field methods, materials collected, and conclusions. The qualified archaeologist will treat recovered items in accordance with current professional standards by properly proveniencing (establishing the in-situ location at the time of archaeological discovery), cleaning, analyzing, researching, reporting, and curating them in a collection facility meeting the Secretary of the Interior's Standards as promulgated in 36 CFR 79.

Mitigation Measure CR-6. Avoid Archeological Resources by Establishing Environmentally Sensitive Areas (ESAs) During Operations.

The implementing agency will avoid significant archaeological resources through establishment of ESAs specific to Typical Projects' operations. If physical portions of previously identified archaeological resources are left in place after construction, then ESAs will be established to protect any remaining physical portions of the resource from further direct or indirect affects which may result as part of operations of Typical Projects. The implementing agency will conduct the establishment of ESAs in coordination and consultation with Native American Tribes as necessary. As part of the operational avoidance activities, the implementing agency shall:

- Prepare an operations and maintenance plan to minimize degradation of archaeological resources still extant in the API.

- Design and develop interpretive exhibits to provide education and understanding of the importance to avoid the resource.

Mitigation Measure CR-7: Avoid or Minimize Impacts to Human Remains and Associated or Unassociated Funerary Objects.

If human remains are found, no further disturbance will occur until the county coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98 (State of California Health and Safety Code Section 7050.5). In the event of an unanticipated discovery of human remains, all work within 50 feet of the find will be halted until the remains have been evaluated by the county coroner, and appropriate action taken in coordination with the NAHC, in accordance with Section 7050.5 of the California Health and Safety Code or, if the remains are Native American, Section 5097.98 of the PRC. If the human remains are determined to be prehistoric, the county coroner will notify the NAHC, which will determine and notify a most likely descendant. The most likely descendant will complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mitigation Measure TCR-1: Conduct Native American Monitoring.

If determined necessary via consultation, in addition to MM CR-4c Native American monitoring requirements, Native American monitoring will be conducted by the tribe that identified the TCR through AB52 consultation. Native American monitors will be present during construction activities in native sediments and will observe all ground-disturbing activities conducted within 100 feet of the TCR. Should unanticipated discoveries be made during Native American monitoring, then the unanticipated discoveries protocol described in MM CR-5 will be enacted. This includes halting ground-disturbing activities for a reasonable period of time, consulting with the lead agency and Native American representatives (if the find is Native American in origin), developing a mitigation plan, and potentially developing and implementing a data recovery plan. In the event of an unanticipated discovery of human remains, the monitor will follow the Section 7050.5 of the Health and Safety Code, (MM CR-7), described in Section 3.4.2.2 of the PEIR.

Appendix I.2

Fernandeño Tataviam Band of Mission

Indians



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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January 13, 2021

IN REPLY PLEASE

REFER TO FILE:

SWQ-2

Mr. Jairo Avila
Fernandeño Tataviam Band of Mission Indians
1019 Second Street, Suite 1
San Fernando, CA 91340

Dear Mr. Avila:

CONCLUSION OF ASSEMBLY BILL 52 CONSULTATION FOR THE PROPOSED 2020 LA RIVER MASTER PLAN PROJECT LOS ANGELES COUNTY

Thank you for the opportunity to consult with the Fernandeño Tataviam Band of Mission Indians (FTBMI) regarding potential impacts to Tribal Cultural Resources for the 2020 LA River Master Plan (Project). The purpose of this letter is to summarize and conclude the Assembly Bill (AB) 52 consultation between the lead agency, the County of Los Angeles (County), acting through Los Angeles County Public Works (Public Works) and the FTBMI (PRC § 21080.3.2(d)).

Pursuant to California Public Resources Code (PRC) Section 21082.3(d), the County intends to certify a Programmatic Environmental Impact Report (PEIR) prepared under the California Environmental Quality Act (CEQA) for the Project and approve the Project.

Public Works sent the formal notification letter to Native American tribes on May 20, 2020. The FTBMI is one of the Tribes that requested to be informed of projects in its geographic area pursuant to PRC Section 21080.3.1. On June 22, 2020, Mr. Jairo Avila of the FTBMI responded via e-mail requesting consultation because the project area is within FTBMI ancestral tribal territory, within a sensitive area, and has potential to cause a substantial adverse change in the significance of Tribal Cultural Resources.

A consultation meeting was held virtually on July 8, 2020, with Mr. Jairo Avila and Ms. Kimia Fatehi of the FTBMI; Ms. Ariana Villanueva, Ms. Grace Komjakraphan-Tek, and Ms. Christine Wartman from Public Works; and Ms. Tanvi Lal and Ms. Karen Crawford of ICF, the consulting firm to Public Works. As part of the consultation, the FTBMI provided Public Works with territory maps and recommended mitigation language for Cultural and Tribal Cultural Resources in an e-mail dated August 3, 2020. All materials

Mr. Jairo Avila
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received from the FTBMI will be kept confidential in administrative files for reference but not distribution (PRC § 21080.3.2(c)(1)). On October 23, 2020, Public Works shared the draft Cultural and Tribal Cultural Resources mitigation measures, which incorporated the Tribe's input, with FTBMI Tribal representatives via e-mail for review and comment. On November 6, 2020, the FTBMI provided additional comments and edits to the mitigation language via e-mail. On November 30, 2020, Public Works responded to the FTBMI comments and incorporated requested edits via e-mail.

On December 1, 2020, the FTBMI agreed to conclude the Native American consultation for the Project via e-mail to Public Works from Mr. Jairo Avila. As a result of the consultation, the Tribe's comments regarding mitigation measures on the enclosed have been incorporated into the 2020 LA River Master Plan PEIR. This concludes consultation pursuant to PRC Section 21080.3.2(b).

Public Works greatly appreciates the opportunity to discuss the Project with the FTBMI through the collaborative consultation process. Thank you for your input during our consultation.

If you have any questions, please contact me at (626) 458-4325 or at palva@pw.lacounty.gov or Ms. Ariana Villanueva at (626) 458-7146 or AVillanueva@pw.lacounty.gov.

Very truly yours,

MARK PESTRELLA
Director of Public Works



PAUL ALVA
Assistant Deputy Director
Stormwater Quality Division

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Enc.

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 - California Historical Landmarks
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If, following the records search, literature review, sacred land file search, and coordination with the tribe, it is determined that there are no historical/built, archaeological, and tribal cultural resources present in the area of potential impact, then the impact would be less than significant and no further action is required.

If, following the records search, literature review, sacred land file search, and coordination with the tribe it is determined that historical/built, archaeological, or tribal cultural resources are present in the area of potential impact, then the following Mitigation Measures would be implemented.

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If, following the physical survey of the API, and eligibility determination, it is determined that the later activity *would not* cause an adverse change in the significance of a significant historical resource, then the impact would be less than significant and no further action is required.

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- **Avoidance/Redesign:** Avoid historical resource impacts during the design process and require redesign of the project to avoid impacts, or
- **Relocation:** If a historical resource cannot be avoided but can be relocated (if location, setting, and association are not important aspects of its integrity or support the significance of the resource), then the following actions are required:
 - Contact local historical societies, community resource groups, and/or local groups with an interest in the type and/or style of the historical resource who may have a suitable site for relocation
 - Contact specialized movers of historical resources to develop a plan for preparing of and moving of the resource from its original location, and groundwork necessary for the transplanting of the resource to the new location.
 - Conduct photo documentation of the resource in the original and new locations.

Mitigation Measure CR-2b: Prepare and Implement Historical Resources Mitigation Plan during Construction.

If historical resources are present in the API and cannot be avoided in the design stages nor relocated, then the implementing agency will prepare a Historical Resources Mitigation Plan for Construction. The following actions are required in the preparation of the HRMP:

- Survey or photographic documentation of the historical resource before construction begins as a baseline condition for assessing damage.
- Preparation of protocols for the documentation of inadvertent damage, should it occur, as well as notification to the appropriate owner and/or jurisdiction.
- Strategy for repair of historical resource in accordance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historical Properties (Standards).

Mitigation Measure CR-2c: Prepare Noise and Vibration Plan for Construction.

If noise and/or vibration are considered a potential significant impact of construction, then instrumentation that will capture those impacts will be installed at a suitable location as necessary, i.e. noise and/or vibration monitors and the feedback from those instruments will be reviewed on a regular basis by qualified preservation architects and/or historic preservation specialists. These instruments will monitor the historical resource for physical changes, such as cracks in the exterior material, or inadvertent changes to a historical resource, such as character-defining features falling from a structure, due to increased vibration. A pre-construction survey must be prepared for each individual historical resource to identify existing issues, such as cracks, or other damage, which must include

general photos of the historical resource, detailed photos of existing damage, and detailed photos of potentially impacted features. Instrumentation may be physically attached to building/structures or placed in close vicinity if damage would occur from the installation of the measuring instruments. Similarly, pre-construction noise surveys will establish base levels of noise if a quiet setting is a character-defining features of the historic setting. During and post-construction noise measurements must be taken to determine if ambient or specific noise occurrences are present. Thresholds would be determined on a case-by-case basis. If impacts are discovered due to noise and vibration, then a strategy for repair in accordance with the Standards would be required. See CR-2b.

Mitigation Measure CR-3a: Avoid Impacts on Historical/Built Resources During Operations.

If historical resources are identified within a project API during design of subsequent projects, indirect effects during operations shall be avoided, including redesigning project elements. Specific steps to be taken during operations include but are not limited to the following:

- Secure resource from accessibility or visitation.
- Prepare operations and maintenance/restoration plan to avoid degradation of resource. Identify a baseline of conditions (photo-documentation, written documentation) that is stored with the appropriate jurisdiction (Los Angeles County, or other implementing agency) in the plan, with a requirement that the implementing agency or project proponent conduct visual inspection of the historical resource at least twice a year. The baseline condition report must be supplemented with yearly photographs, yearly updates on condition, and any additional reports related to vandalism, accidental damage due to humans or animals, and damage due to weather or earthquakes.

Mitigation Measure CR-3b: Prepare and Implement Historical Resources Mitigation Plan for Operations.

If historical resources are present in the API and potential effects cannot be avoided in the design stages or the resource cannot be relocated, then the implementing agency will prepare an Historical Resources Mitigation Plan for operations. The following actions will be implemented for the HRMP:

- Survey or photographic documentation of the historical resource will be completed before construction begins as a baseline condition for assessing damage.
- Preparation of protocols for the documentation of inadvertent damage, should it occur, as well as notification to the appropriate owner and/or jurisdiction.
- Strategy for repair of historical resource in accordance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historical Properties (Standards).

Mitigation Measure CR-3c: Prepare Noise and Vibration Plan for Operations.

If determined that noise and/or vibration are considered a potential significant impact of operations, then instrumentation that will capture those impacts will be installed, i.e. noise and/or vibration monitors and the feedback from those instruments will be reviewed on a regular basis by qualified preservation architects and/or historic preservation specialists.

These instruments will monitor the historical resource for physical changes, such as cracks in the exterior material, inadvertent changes to a historical resource, such as character-defining features falling from a structure, due to increased vibration. A pre-construction survey must be prepared for each individual historical resource to identify existing issues, such as cracks, or other damage, which must include general photos of the historical resource, detailed photos of existing damage, and detailed photos of potentially impacted features. Instrumentation may be physically attached to building/structures or placed in close vicinity if damage would occur from the installation of the measuring instruments. Similarly, pre-construction noise surveys will establish base levels of noise, if a quiet setting is a character-defining features of the historic setting. During and post-construction noise measurements must be taken to determine if ambient or specific noise occurrences are present. Thresholds would be determined on a case-to-case basis. If impacts are discovered, then a strategy for repair in accordance with the Standards would be required. See CR-2b.

Mitigation Measure CR-4a: Retain a Qualified Archaeologist.

The implementing agency will retain a qualified archaeologist defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology to carry out all mitigation measures related to prehistoric and historic period archaeological resources. The qualified archaeologist will be the subsequent project's Principal Investigator and will oversee and direct all archaeologists working on the subsequent project. For TCRs, a Native American Monitor, as determined by the appropriate Native American Tribe(s) during consultation will coordinate with the Qualified Archaeologist as needed for Mitigation Measure Implementation.

Mitigation Measure CR-4b: Avoid Significant Archaeological Sites or TCRs through Establishment of Environmentally Sensitive Areas (ESAs).

If significant archeological sites or TCRs are identified in the API, where feasible, avoidance is the preferred method of treatment. Impacts on significant archaeological resources can be avoided through establishing fencing around the known boundaries of these resources and delineating these locations as Environmentally Sensitive Areas (ESAs). Preservation in place of archaeological materials maintains the critical relationship between archaeological artifacts and their archaeological context. Additionally, should sacred objects or objects of religious importance to Native American groups be identified, preservation in place avoids conflicts with traditional values of groups who ascribe meaning to these resources.

Mitigation Measure CR-4c: Provide Archaeological and Native American Monitoring and Establish Archaeological Monitoring Plan.

If avoidance is not feasible, and if the subsequent project-related ground disturbance is anticipated to occur at archaeological sites identified as a result of the archaeological fieldwork and inventory efforts, an archaeologist will be present to monitor the ground-disturbing activity. If ground-disturbing activities are to proceed at archaeological sites, which contain Native American cultural materials, a Native American monitor will be retained in addition to an archaeological monitor. Prior to the commencement of fieldwork, an Archaeological Monitoring Plan (AMP) will be developed to guide archaeological monitoring work during ground-disturbing activities.

The AMP will be prepared and the Native American Consulting Tribes will be provided the opportunity to review and provide comments. The AMP will outline the requirement to conduct Cultural and Tribal Cultural Resource Awareness Training for construction workers and qualifications necessary for archaeological monitors. The plan must also detail the locations where archaeological monitoring will take place and the depths of excavation that will require monitoring. The AMP must include roles and responsibilities for cultural resources staff and contact information for the Archaeological Principal Investigator, archaeological and Native American monitors, and appropriate management staff.

The AMP must detail monitoring procedures, discovery protocols, and general procedures for documenting and recovering archaeological materials, artifact identification, repository institution identification, associated repository fees, guidelines for preparing the archaeological monitoring, and mitigation final report. The AMP must also include protocols for communication and response should an unanticipated discovery be made at times that archaeological monitors are not present.

The AMP must require attendance by construction personnel at a preconstruction meeting led by a Qualified Principal Investigator/Project Archaeologist. The Principal Investigator/Project Archaeologist will explain the likelihood for encountering archaeological resources, what resources may be discovered, and the methods that will be employed if anything is discovered (who to call, construction diversion away from the find, etc.). The AMP must include an example proposed letter regarding transfer of salvaged materials to an appropriate museum curation facility, an example daily monitoring report form, and all other pertinent archaeological resources recordation and analysis forms.

The Native American monitor should be affiliated with a local Native American tribe. At a minimum, the archaeological monitor will meet the Society for California Archaeology professional qualification standards for an archaeological crew leader and will work under the direction of an individual that meets the Secretary of the Interior's Standards and Guidelines for Archaeology.

If unanticipated discoveries are made during archaeological monitoring, then the unanticipated discoveries protocol described in CR-5 will be enacted. This includes halting ground-disturbing activities for a reasonable period of time, consultation with the lead agency and Native American representatives (if the find is Native American in origin), development of a mitigation plan, and potentially development and implementation of a data recovery plan. In the event of an unanticipated discovery of human remains, the archaeological monitor will follow the HSC 7050.5, (CR-7), described in Section 3.4.2.2 of the PEIR.

Mitigation Measure CR-4d: Develop and Implement an Archaeological Evaluation and Treatment Plan (AETP) to Evaluate Potentially Significant Archaeological Discoveries.

If an existing archaeological resource cannot be avoided and has not been evaluated for the CRHR, then evaluation, testing excavations, recovery and treatment will be needed to reduce the impacts to the resource. An Archaeological Evaluation and Treatment Plan (AETP) will be developed that describes methods and procedures for conducting subsurface excavations to determine the vertical and horizontal extents of an archaeological site. Implementation of such a plan may include mechanical and/or manual excavations to provide data on the cultural constituents at the site and the depositional context of such materials (if found to exist). These data can be used to determine the integrity of the site and to make a formal evaluation based on

the eligibility criteria set forth in CEQA and Section 106 of the National Historic Preservation Act for inclusion in the CRHR and NRHP. The AETP should define the parameters of archaeological testing at the site, and the extent of excavation and analysis of any materials recovered. The AETP must also include guidelines for treatment and curation of any materials recovered during the testing process. Subsequent to implementation of the AETP, a technical report describing the methods and results of archaeological testing and formal evaluations of the archaeological sites and recommendations for further treatment will be completed. The AETP will be approved by the lead agency and should involve consultation and review by interested Native American groups, if applicable.

Mitigation Measure CR-5: Temporarily Halt Ground Disturbance for Unanticipated Discoveries per SOI Standards.

If buried cultural resources of potential significance are discovered inadvertently during ground-disturbing activities, work will be temporarily halted in the area and within 50 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the implementing agency. If the find is prehistoric or Native American in origin, consultation with local Native American tribes who have expressed interest and concern regarding the proposed Project will be undertaken.

The Implementing agency's Principal Investigator will notify the lead agency to discuss the significance determination and will also submit a letter indicating next steps required. If the discovery is determined to be not significant in consultation with the lead agency, work will be permitted to continue in the area. If, in consultation with the lead agency, a discovery is determined to be significant, the implementing agency will prepare a mitigation plan to be carried out in accordance with state guidelines. If the resource cannot be avoided, the implementing agency will develop a data recovery plan to ensure collection of sufficient information to address archaeological and historical-period research questions, with results presented in a technical report describing field methods, materials collected, and conclusions. The qualified archaeologist will treat recovered items in accordance with current professional standards by properly proveniencing (establishing the in-situ location at the time of archaeological discovery), cleaning, analyzing, researching, reporting, and curating them in a collection facility meeting the Secretary of the Interior's Standards as promulgated in 36 CFR 79.

Mitigation Measure CR-6. Avoid Archeological Resources by Establishing Environmentally Sensitive Areas (ESAs) During Operations.

The implementing agency will avoid significant archaeological resources through establishment of ESAs specific to Typical Projects' operations. If physical portions of previously identified archaeological resources are left in place after construction, then ESAs will be established to protect any remaining physical portions of the resource from further direct or indirect affects which may result as part of operations of Typical Projects. The implementing agency will conduct the establishment of ESAs in coordination and consultation with Native American Tribes as necessary. As part of the operational avoidance activities, the implementing agency shall:

- Prepare an operations and maintenance plan to minimize degradation of archaeological resources still extant in the API.

- Design and develop interpretive exhibits to provide education and understanding of the importance to avoid the resource.

Mitigation Measure CR-7: Avoid or Minimize Impacts to Human Remains and Associated or Unassociated Funerary Objects.

If human remains are found, no further disturbance will occur until the county coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98 (State of California Health and Safety Code Section 7050.5). In the event of an unanticipated discovery of human remains, all work within 50 feet of the find will be halted until the remains have been evaluated by the county coroner, and appropriate action taken in coordination with the NAHC, in accordance with Section 7050.5 of the California Health and Safety Code or, if the remains are Native American, Section 5097.98 of the PRC. If the human remains are determined to be prehistoric, the county coroner will notify the NAHC, which will determine and notify a most likely descendant. The most likely descendant will complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mitigation Measure TCR-1: Conduct Native American Monitoring.

If determined necessary via consultation, in addition to MM CR-4c Native American monitoring requirements, Native American monitoring will be conducted by the tribe that identified the TCR through AB52 consultation. Native American monitors will be present during construction activities in native sediments and will observe all ground-disturbing activities conducted within 100 feet of the TCR. Should unanticipated discoveries be made during Native American monitoring, then the unanticipated discoveries protocol described in MM CR-5 will be enacted. This includes halting ground-disturbing activities for a reasonable period of time, consulting with the lead agency and Native American representatives (if the find is Native American in origin), developing a mitigation plan, and potentially developing and implementing a data recovery plan. In the event of an unanticipated discovery of human remains, the monitor will follow the Section 7050.5 of the Health and Safety Code, (MM CR-7), described in Section 3.4.2.2 of the PEIR.