

3.17.1 Introduction

A tribal cultural resource (TCR) is a site, feature, place, cultural landscape, sacred place, or object that is of cultural value to a recognized Native American tribe (Public Resources Code [PRC] § 21074). The resource may be listed in or eligible for listing on the California Register of Historical Resources (CRHR) or a local historic register or a lead agency may choose to treat a resource as a TCR based on consultation with a recognized Native American tribe pursuant to Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014, see below for a detailed description of TCRs and AB 52). This section describes the geographic and regulatory setting for TCRs, discusses impacts on TCRs that could result from the *2020 LA River Master Plan* and its elements, and determines the significance of impacts. Where needed, this section identifies mitigation measures that would reduce or avoid any significant impacts, when feasible.

The analysis is based on consultation with Native American tribes traditionally and culturally affiliated with the proposed Project and through a Sacred Lands File (SLF) search conducted through the Native American Heritage Commission (NAHC). A records search for previously recorded archaeological sites was not conducted as part of the PEIR analysis. For a discussion of the proposed Project's effects on Cultural Resources, see Section 3.4, *Cultural Resources*.

The analysis in this section includes impact determinations under CEQA for the *2020 LA River Master Plan* that are applicable to all 18 jurisdictions in the study area, including the County and non-County jurisdictions (17 cities). Except for significant and unavoidable impacts, all identified significant environmental effects of the proposed *2020 LA River Master Plan* can be avoided or reduced to a less-than-significant level if the mitigation measures identified in this PEIR are implemented. These mitigation measures will be implemented for subsequent projects that are carried out by the County. Because some later activities under the *2020 LA River Master Plan* would not be carried out by the County, the County cannot enforce or guarantee that the mitigation measures would be incorporated. Therefore, where this PEIR concludes a less-than-significant impact for later activities carried out by the County, the impact would be significant and unavoidable when these activities are not carried out by the County.

3.17.2 Setting

3.17.2.1 Geographic

The environmental and cultural setting sections are presented in Section 3.4, *Cultural Resources*, of the PEIR.

Ethnographic Setting

The *2020 LA River Master Plan* study area encompasses mainly the ethnographic territory of the Gabrieleño. The Tatavium and Chumash traditionally occupied the areas just to the north (San

Fernando Valley) and coastal areas to the west of the project study area; however, interaction within the Los Angeles Plain and Basin occurred. Additionally, the Serrano, traditionally located to the east of the Los Angeles Plain, interacted with and accessed the areas, resources, and other tribes of the Los Angeles Basin.

Gabrieleño

The Gabrieleño are a Native American people who have long inhabited the area in the Los Angeles Basin. The study area is entirely within the ethnographic territory of the Gabrieleño. Following the Spanish custom of naming local tribes after nearby missions, these people were called the *Gabrieleño*, *Gabrielino*, or *San Gabrieleño* in reference to Mission San Gabriel Arcángel, which is northeast of the study area.

The Gabrieleño consist of a number of smaller bands, some of whom refer to themselves as *Tongva*, and others who refer to themselves as *Kizh*. Gabrieleño speaker Mrs. James Vinyard Rosemeyer told anthropologist C. Hart Merriam that Gabrieleño speakers referred to themselves as *Tongva*, and Merriam recorded the name (King 2011:5). McCawley (1996:9) states that *Tongva* was the term used by the Gabrieleño living near Tejon; however, the name also referred to a ranchería in the San Gabriel area. Today, some Gabrieleño have chosen to be known as *Tongva* (McCawley 1996:10). Yet another name that has been reported for the Gabrieleño is *Kizh* or *Kij*, perhaps derived from the word meaning *houses* (McCawley 1996:10; Stickel 2016). The latter term may refer specifically to Gabrieleño living in the Whittier Narrows (McCawley 1996:10). The Gabrieleño spoke a language that falls within the Cupan group of the Takic subfamily of the Uto-Aztecan language family. This language family is extremely large and includes the Shoshonean groups of the Great Basin. Given the geographic proximity of Gabrieleño and Serrano bands living in the area and the linguistic similarities, ethnographers have suggested that they shared the same ethnic origins (Kroeber 1925).

The Gabrieleño are considered one of the most distinctive tribes in all of California. They occupied a large area that was bordered on the west by the community of Topanga and the City of Malibu, the San Fernando Valley, the greater Los Angeles Basin, and the coastal strip south of Aliso Creek, south of San Juan Capistrano. Gabrieleño territory extended from the San Bernardino Mountains to the islands of Catalina, San Clemente, and San Nicolas and occupied most of modern-day Los Angeles and Orange Counties (Bean 1978:538–549). By 1500 B.P., permanent villages were built in the lowlands along rivers and streams. Over 50 villages may have been occupied simultaneously with populations of between 50 and 200 people per village (Bean and Smith 1978).

Very little has been written about early Gabrieleño social organization. The band was not studied until the 1920s and had already been greatly influenced by missionaries and settlers by that time (Kroeber 1925). Kroeber's (1925) work indicates that the Gabrieleño were a hierarchically ordered society with a chief who oversaw social and political interactions both within the Gabrieleño culture and with other groups. The Gabrieleño had multiple villages, ranging from seasonal satellite villages to larger, more permanent settlements. Resource exploitation was focused on village-centered territories, and hunting ranged from deer, rabbits, birds, and other small game to sea mammals. Fishing for freshwater fish, saltwater mollusks, and crustaceans, and gathering acorns and various grass seeds were also important (Bean and Smith 1978:538–549). Fishing technology included basket fish traps, nets, bonefish hooks, harpoons, and vegetable poisons, and ocean fishing was conducted from wooden-plank canoes lashed and asphalted together. Gabrieleño houses were large, circular, thatched, and domed structures of tule, fern, or carrizo that were large enough to house several families. Smaller ceremonial structures were also present in the villages and were used in a

variety of ways. These structures were earth-covered, and different ones were used as sweathouses, meeting places for adult males, menstrual huts, and ceremonial enclosures (*yuva'r*) (Heizer 1962:289–293).

The coastal Gabrieleño are among the few New World peoples who regularly navigated the ocean. They built seaworthy canoes, called *ti'at*, with wood planks that were sewn together, edge to edge, and then caulked and coated with pine pitch or, more commonly, the tar that was available either from the La Brea Tar Pits or asphaltum that had washed up on shore from offshore oil seeps. A *ti'at* could hold as many as 12 people, all of their gear, and all of the goods carried to trade with other people, either along the coast or on one of the Channel Islands. The Gabrieleño paddled out to greet Spanish explorer Juan Cabrillo when he arrived off the shores of San Pedro in 1542.

Modern place names with Gabrieleño origins include Pacoima, Tujunga, Topanga, Rancho Cucamonga, Azusa, and Cahuenga Pass. The name of their creation deity, Quaoar, has been used to name a large object in the Kuiper belt (a disc-shaped region of icy objects beyond the orbit of Neptune). A 2,656-foot summit in the Verdugo Mountains, in the City of Glendale, has been named Tongva Peak. The Gabrielino Trail is a 32-mile-long path through the Angeles National Forest.

Recorded ethnographic and archaeological sites associated with Gabrieleño settlements are rare. This is directly attributable to the extensive and prolonged urban development of the City of Los Angeles region over the last one and a half centuries (DPR 2005:16). In the 1990s, Kuruvungna Springs, a natural spring located on the site of a former Gabrieleño village on the campus of University High School in West Los Angeles, was revitalized due to the efforts of the Gabrieleño Springs Foundation. The spring, which produces 22,000 gallons (83,279 liters) of water each day, is considered by the Gabrieleño to be one of their last remaining sacred sites and is regularly used for ceremonial events.

Tataviam

The Tataviam were also at one time referred to as the *Alliklik* (Bright 1975). Tataviam territory included the mountainous canyons and valleys just north of the San Fernando Valley (Hudson 1982, Johnson and Earle 1990) and was primarily between 1,500 feet and 3,000 feet above sea level. Their territory included the upper reaches of the Santa Clara River drainage system east of Piru Creek and extended to the east to include what is now the Vasquez Rocks Natural Area Park in Agua Dulce (W&S Consultants 2001). Their territory also may have extended west to the Sawmill Mountains to the north. It included at least the southwestern fringes of the Antelope Valley, which were apparently shared with the Kitanemuk, who occupied the greater portion of the Antelope Valley.

The name *Tataviam* means “People who Face the Sun.” The Tataviam may be among the larger “Shoshonean” migration into Southern California that occurred 2,000 to 3,000 years ago (Higgins 1996, Ventura County Resource Conservation District 2006). The Tataviam belong to the family of Serrano people who migrated into the Antelope, Santa Clarita, and San Fernando Valleys some time before 450 A.D. They also settled into the upper Santa Clara River drainage.

Tataviam settlements include *Nuhubit* (Newhall), *Piru-U-Bit* (Piru), *Tochonanga* (which is believed to have been located at the confluence of Wiley and Towsley Canyons), and the very large village of *Chaguibit*, the center of which is buried under the Rye Canyon exit of Interstate 5. The Tataviam also lived where Saugus, Agua Dulce, and Lake Elizabeth are located today. Although the Tataviam people lived primarily on the upper reaches of the Santa Clara River drainage system, they also inhabited

the upper San Fernando Valley, including the present-day City of San Fernando and neighborhood of Sylmar (which they shared with their inland Gabrieleño neighbors).

The Tataviam were hunters and gatherers. Larger game was generally hunted with the bow and arrow, while snares, traps, and pits were used for capturing smaller game. At certain times of the year, communal hunting and gathering expeditions were held. Faunal resources available to the Tataviam included deer, mountain sheep, antelope, rabbit, small rodents, and several species of birds. Meat was generally prepared by cooking in earthen ovens, boiling, or sun-drying. Cooking and food preparation utensils consisted primarily of lithic (stone) knives and scrapers, mortars and metates, pottery, and bone or horn utensils. Vegetal resources available to the Tataviam included honey mesquite, piñon nuts, yucca roots, mesquite, and cacti fruits (Solis 2008). These resources were supplemented with roots, bulbs, shoots, and seeds that, if not available locally, were obtained in trade with other groups.

The Tataviam people lived in small villages and were semi-nomadic when food was scarce. There is little available data regarding Tataviam social organization, although information shows similarities among Tataviam, Chumash, and Gabrieleño ritual practices. Like their Chumash neighbors, the Tataviam practiced an annual mourning ceremony in late summer or early fall, which would have been conducted in a circular structure made of reeds or branches.

At first contact with the Spanish in the late 18th century, the population of this group was estimated at less than 1,000 persons. By 1810 nearly all of the Tataviam population had been baptized at San Fernando Mission (King and Blackburn 1978).

Access to the rivers and creeks was of great importance to the Tataviam, as these environments provided resources necessary for subsistence. Particular care was allotted to familiarity with flooding or drainage patterns (River Project 2006). It was along these waterways that access to fresh water, food, and other materials necessary for the construction of traditional house structures, or *Ki'j*, such as willow or tule reeds, was possible (FTBMI 2012). *Datura* (or jimsonweed), native tobacco, and other plants found along the local rivers and streams provided raw materials for baskets, cordage, and netting.

3.17.2.2 Regulatory

This section identifies laws, regulations, and ordinances that are relevant to the impact analysis of TCRs in this PEIR.

State

California Environmental Quality Act

The State CEQA Guidelines Section 15064.5(b) prescribes that project effects that would “cause a substantial adverse change in the significance of an historical resource” are significant effects on the environment. Substantial adverse changes include physical changes to both the historical resource and its immediate surroundings. CEQA Guidelines Section 15064.5 provides specific guidance for determining the significance of impacts on historical resources (CEQA Guidelines § 15064.5(b)). Under CEQA these resources are called *historical resources*, whether they are of historic or prehistoric age. TCRs are often recorded as archaeological sites and, if considered eligible for the CRHR, they are considered historical resources under CEQA. Historical, unique archeological resources, and TCRs are further defined below.

Historical Resources

Historical resources are those listed, or eligible for listing, in the CRHR, or those listed in the historical register of a local jurisdiction (county or city) unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant (PRC § 21084.1). National Register of Historic Places (NRHP)-listed historic properties in California are considered historical resources for the purposes of CEQA and are also listed in the CRHR. The CRHR criteria for listing such resources are based on, and are very similar to, the NRHP criteria.

The term *historical resource* includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (PRC § 5020.1(j)). Historical resources may be designated as such through three different processes:

1. Official designation or recognition by a local government pursuant to local ordinance or resolution (PRC § 5020.1(k))
2. A local survey conducted pursuant to PRC § 5024.1(g)
3. Listed in or eligible for listing in the NRHP (PRC § 5024.1(d)(1))

Unique Archaeological Resources

A *unique archaeological resource* is defined in Section 21083.2 of the California PRC as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability of meeting any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In most situations, resources that meet the definition of a unique archaeological resource also meet the definition of historical resource. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR. For the purposes of this CEQA cultural resources study, a resource is considered significant if it meets the CRHR eligibility (significance and integrity) criteria. Individual resource assessments of eligibility are provided in this report.

Even without a formal determination of significance and nomination for listing in the CRHR, a lead agency can determine that a resource is potentially eligible for such listing, to aid in determining whether a significant impact would occur. The fact that a resource is not listed in the CRHR, or has not been determined eligible for such listing, and is not included in a local register of historic resources, does not preclude an agency from determining that a resource may be a historical resource for the purposes of CEQA.

Assembly Bill 52 and Tribal Cultural Resources

A TCR is a site, feature, place, cultural landscape, sacred place, or object that is of cultural value to a recognized Native American tribe. The resource may be listed on or eligible for listing on the CRHR or a local historic register, or a lead agency may choose to treat a resource as a TCR as the result of consultation with a recognized Native American tribe under AB 52.

Although Native American tribes sometimes were involved in the implementation of CEQA by State and local lead agencies, until recently tribes have not had a formal and consistent role in the environmental review process. Consequently, TCRs, sacred places, and Native American traditions often were overlooked or marginalized under CEQA. Therefore, AB 52 (Chapter 532, Statutes of 2014) established a formal consultation process for California tribes as part of CEQA and equates significant impacts on TCRs with significant environmental impacts (PRC § 21084.2).

According to the AB 52 statement of legislative intent, tribes may have expertise in tribal history and “tribal knowledge about land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.” The legislative intent also makes clear that CEQA analyses must consider TCRs, including “the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.”

PRC Section 21080.3.1 states “...Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources that may inform the lead agency in its identification and determination of the significance of tribal cultural resources” and therefore establishes the following requirements for consultation.

Prior to release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project if:

1. The California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and
2. The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification and requests the consultation.

Health and Safety Code 7050.5 (HSC 7050.5)/PRC 5097.9

Health and Safety Code 7050.5 addresses the protection of human remains discovered in any location other than a dedicated cemetery and makes it a misdemeanor for any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law, except as provided in PRC Section 5097.99. It further states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions concerning investigation of the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to his or her authority, and if the coroner recognizes the human remains to

be those of a Native American or has reason to believe that they are those of a Native American, he or she will contact the NAHC by telephone within 24 hours. Whenever the NAHC receives notification of a discovery of Native American human remains from the county coroner, it will immediately notify those people it believes to be the Most Likely Descendants (MLD) of the deceased Native American. The descendants may inspect the site of the discovery and make recommendations on the removal or reburial of the remains.

California Government Code Section 6254 (r) and 6254.10

California Government Code Sections 6254(r) and 6254.10 of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” Section 6254.10 specifically exempts from disclosure requests for:

records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency.

California Native American Graves Protection and Repatriation Act of 2001

The California Native American Graves Protection and Repatriation Act conveys to American Indians of demonstrated lineal descent those human remains and funerary items that are held by State agencies and museums. Human remains require special handling and must be treated with dignity. Procedures for the handling of human remains are pursuant to Section 15064.5e of the State CEQA Guidelines, Section 5097.98 of the PRC, and HSC 7050.5. In the event of the discovery of human remains and/or funerary items, the following procedures, as outlined by the NAHC, must be followed (14 CCR 15000 et seq.).

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - b. If the coroner determines the remains to be Native American:
 - 1) The coroner shall contact the Native American Heritage Commission within 24 hours.
 - 2) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - 3) The most likely descendant may make the recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance.
 - a. The Native American Heritage Commission is unable to identify a most likely descendant, or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.

- b. The descendant identified fails to make a recommendation; or
- c. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Regional

Los Angeles County

Los Angeles County General Plan

The *Los Angeles County General Plan*, Conservation and Natural Resources Element, contains the following policies regarding cultural resources protection (Los Angeles County 2015).

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

- **Policy 14.1:** Mitigate all impacts from new development on or adjacent to historic, cultural, and paleontological resources to the greatest extent feasible.
- **Policy 14.2:** Support an inter-jurisdictional collaborative system that protects and enhances historic cultural, and paleontological resources.
- **Policy 14.4:** Ensure proper notification procedures to Native American tribes in accordance with Senate Bill 18 (2004).
- **Policy 14.5:** Promote public awareness of historic, cultural, and paleontological resources.
- **Policy 14.6:** Ensure proper notification and recovery processes are carried out for development on or near historic, cultural, and paleontological resources.

In unincorporated areas of the County, the County's Historic Preservation Program establishes the criteria and procedures for the designation, preservation and maintenance of landmarks and historic districts. The Historic Preservation Ordinance was adopted by the County Board of Supervisors in 2015; as of 2020, there are only three properties listed on the Los Angeles County Historical Landmarks Registry, none of which are designated historic districts or located in or near the study area. The resources included in Part A, 1-5 can include archaeological sites and TCRs. Most often, archaeological resources and TCRs are eligible under Criterion 4 for data potential if:

- A. A structure, site, object, tree, landscape, or natural land feature may be designated as a landmark if it is 50 years of age or older and satisfies one or more of the following criteria:
 1. It is associated with events that have made a significant contribution to the broad patterns of the history of the nation, state, county, or community in which it is located;
 2. It is associated with the lives of persons who are significant in the history of the nation, state, county, or community in which it is located;
 3. It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of an architect, designer, engineer, or builder whose work is of significance to the nation, state, county, or community in which it is located; or possesses artistic values of significance to the nation, state, county, or community in which it is located;
 4. It has yielded, or may be likely to yield, significant and important information regarding the prehistory or history of the nation, state, county, or community in which it is located;
 5. It is listed, or has been formally determined eligible by the United States National Park Service for listing, in the National Register of Historic Places, or is listed, or has been

formally determined eligible by the State Historical Resources Commission for listing, on the California Register of Historical Resources.

Local

City of Long Beach

The City of Long Beach participates in the Certified Local Government (CLG) program. As a CLG, they have the responsibility of reviewing and commenting on development projects for compliance with State (and federal) environmental regulations. It has a Cultural Heritage Ordinance that allows for the designation of individual structures and district, and the City of Long Beach Cultural Heritage Commission advises the Planning Commission and City Council about historic preservation issues. The City of Long Beach Cultural Heritage Commission may also administer design guidelines for designated buildings (City of Long Beach 2010)

As a CLG, with a Cultural Heritage Ordinance in place and overseen by a Cultural Heritage Commission, this municipality will require coordination regarding historic resources when a plan is proposed within their borders.

The City of Long Beach Historic Preservation Ordinance, located in Chapter 2.63 of Volume 1, *Administration and Personnel*, of the city's municipal code, states, "the recognition, preservation, protection, and use of cultural resources are necessary to the health, property, social and cultural enrichment, and general welfare of the people." Specific sections referring to cultural resources and archaeological sites, which could include TCRs, are included in Part J.

A resource may be recommended for designation as a landmark or landmark district if it "is, or has been, a valuable information source important to the prehistory or history of the city, the Southern California region or the state" (City of Long Beach 2010).

Archaeological resources are included in the list of potential resources which could be designated as a landmark or landmark district by the Cultural Heritage Commission and meeting criteria described in the Long Beach Municipal Code Part 2.63.040.

City of Los Angeles

Cultural Heritage Ordinance

The City of Los Angeles maintains a list of all sites, buildings, and structures within its jurisdiction that have been designated through the Cultural Heritage Ordinance as Historic-Cultural Monuments (HCMs). TCRs may be included in a local register of historical resources and would be considered historical resources under CEQA.

City of Los Angeles General Plan Conservation Element

The *City of Los Angeles General Plan Conservation Element*, Chapter II: Resource Conservation and Management. Section 3: Archaeological and Paleontological, identifies that the City of Los Angeles has a primary responsibility in protecting significant archaeological resources (City of Los Angeles 2001). Under the archaeological and paleontological objective, policy, and program, the policy is to continue to identify and protect significant archaeological and paleontological sites or resources known to exist or that are identified during land development, demolition, or property modification activities.

Responsible City of Los Angeles departments include Building and Safety, City Planning and Cultural Affairs, and Community Redevelopment Agency (which has been eliminated since 2001), and the lead agency responsible for the permit implementation.

Other Cities in the Study Area

Refer to Section 3.4, *Cultural Resources*, of the PEIR for a description of specific general plans and ordinances related to historic preservation and archaeological and cultural resources for the following cities: Carson, Compton, Cudahy, Downey, Lynwood, Paramount, Southgate, Bell, Bell Gardens, Commerce, Huntington Park, Maywood, Vernon, Glendale, and Burbank.

3.17.3 Impact Analysis

3.17.3.1 Methods

Efforts to identify TCRs included an SLF search with the NAHC and consultation with Native American tribes through AB 52. Neither a detailed records search through the South Central Coastal Information Center nor field surveys were conducted as part of this PEIR. Also, specific project locations and components are not known at this time. Location-specific impact analyses for TCRs for the proposed Project cannot be estimated in this PEIR as this analysis will depend on location of the subsequent projects, existence or absence of TCRs, and proposed activities during construction and/or operation. Therefore, this impacts analysis uses a generalized analysis approach based on the proposed project components and their potential to be located anywhere in the nine planning frames along the 51-mile-long and 2-mile-wide (1 mile on each side of the LA River) study area.

Impacts associated with Typical Projects (i.e., Common Elements and Multi-Use Trails and Access Gateways Typical Projects), the six kit of parts (KOP) categories and related design components—as well as the *2020 LA River Master Plan* in its entirety—are analyzed qualitatively at a program level. Where the two Typical Projects or the six KOP categories have similar impacts related to a specific criteria, the discussion is combined. Where differences between the Typical Projects or the KOP categories are identified, the impact analysis is presented separately. Furthermore, construction and operations impacts are presented together where they largely overlap and it would not be meaningful to discuss them separately to address a specific criterion.

Consultation

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts on TCRs, and reduce the potential for delay and conflict in the environmental review process (PRC § 21083.3.2). Information may also be available from the NAHC's SLF, per PRC Section 5097.96, and the California Historical Resources Information System, administered by the California Office of Historic Preservation. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality.

In compliance with AB 52, ICF contacted the NAHC on behalf of the County on March 5, 2020, requesting a search of the SLF and a listing of potentially interested Native American groups and individuals. The NAHC responded on March 12, 2020, stating that a search of the SLF was positive

for Sacred Lands or traditional cultural properties located on two U.S. Geological Survey (USGS) quadrangle vicinities in the study area.

California Native American tribes traditionally and culturally affiliated with the project area, and that have requested project notifications from the County, are required to be consulted pursuant to PRC Section 21080.3.1. Five tribes requested to the County in writing to be informed in all project notifications pursuant to PRC Section 21080.3.1. The five tribes are the Fernandeño Tataviam Band of Mission Indians, Gabrieleño Band of Mission Indians—Kizh Nation, Gabrieleño/Tongva San Gabriel Band of Mission Indians, San Manuel Band of Mission Indians, and Tejon Indian Tribe.

On May 20, 2020, the County sent out letters via certified mail to five Native American tribes who have previously requested notification under AB 52 to seek recommendations or concerns regarding the proposed Project. Letters were sent to Mr. Jairo Avila, Tribal Historic and Cultural Preservation Officer of the Fernandeño Tataviam Band of Mission Indians; Mr. Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians—Kizh Nation; Mr. Anthony Morales, Chief of the Gabrieleño/Tongva San Gabriel Band of Mission Indians; Mr. Lee Clauss, representing the San Manuel Band of Mission Indians; and Mr. Octavio Escobedo, Tribal Chair of the Tejon Indian Tribe.

To date, written responses have been received from Alexandria McCleary, Tribal Archaeologist, who responded for the San Manuel Band of Mission Indians; Mr. Jairo Avila, Tribal and Historic and Cultural Preservation Officer of the Fernandeño Tataviam Band of Mission Indians; and Chairman Andrew Salas of the Gabrieleño Band of Mission Indians—Kizh Nation. The San Manuel Band of Mission Indians declined consultation in an email dated June 10, 2020, and the Fernandeño Tataviam Band of Mission Indians and Gabrieleño Band of Mission Indians—Kizh Nation have requested formal consultation.

The County formally initiated consultation with the Fernandeño Tataviam Band of Mission Indians via a teleconference on July 8, 2020. At that confidential meeting, the County and the Tribal representatives discussed the proposed Project and the PEIR analytical approach, as well as the Tribe's initial input on the proposed Project and suggestions for potential mitigation measures. On October 23, 2020, the County shared the draft Cultural and Tribal Cultural Resources mitigation measures, which incorporated the Tribe's input, with the Fernandeño Tataviam Band of Mission Indians Tribal representatives via e-mail for review and comment. On November 6, 2020, the Tribal representatives provided additional comments and edits to the mitigation language via e-mail. On November 30, 2020, the County responded to the Tribe's comments and incorporated requested edits via e-mail. On December 1, 2020, the Fernandeño Tataviam Band of Mission Indians 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 PEIR. A letter was sent via certified mail to Mr. Jairo Avila on January 13, 2021 concluding consultation pursuant to PRC Section 21080.3.2(b) (see Appendix I of this PEIR).

The County formally initiated consultation with the Gabrieleño Band of Mission Indians—Kizh Nation via a teleconference on August 19, 2020 and continued the initial consultation meeting with the Tribe on August 26, 2020. At that confidential meeting, the County and the Tribal representatives discussed the proposed Project and the PEIR analytical approach. The Tribal representatives described the importance of the LA River to the Gabrieleño Band of Mission Indians—Kizh Nation and its ancestors. On October 22, 2020, the County shared the draft Cultural and Tribal Cultural Resources mitigation measures, which incorporated the Tribe's input on the

discussion about the mitigation measures, with the Gabrieleño Band of Mission Indians—Kizh Nation Tribal representatives via e-mail for review and comment. On December 16, 2020, the Gabrieleño Band of Mission Indians—Kizh Nation agreed to conclude the Native American consultation for the Project via e-mail to Public Works from the Kizh Administrative Specialist. A letter was sent via certified mail to Chairman Andrew Salas on January 13, 2021 concluding consultation pursuant to PRC Section 21080.3.2(b) (see Appendix I of this PEIR).

3.17.3.2 Criteria for Determining Significance

Thresholds of Significance

For the purposes of the analysis in this PEIR, and in accordance with Appendix G of the State CEQA Guidelines, the proposed Project would have a significant environmental impact if it would:

- 3.17(a)** Cause a substantial adverse change in the significance of a TCR, defined in PRC Section 21074 as a site, feature, place, or 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 either of the following:
- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k).
 - b. A resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying this criteria, the lead agency will consider the significance of the resource to a California Native American tribe.

3.17.3.3 Impacts and Mitigation Measures

Impact 3.17(a), Would the proposed Project cause a substantial adverse change in the significance of a TCR defined in PRC Section 21074 as a site, feature, place, or 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 that is either of the following:

- a. **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k)?**
- b. **A resource determined by the lead agency to be significant pursuant to criteria in PRC Section 5024.1(c). In applying this criteria, the lead agency will consider the significance of the resource to a California Native American tribe?**

TCRs can be identified through a cultural resources records search or NAHC SLF search for Part A, above, and through Native American Consultation (per Part B, above).

Typical Projects

Common Elements and Multi-Use Trails and Access Gateways

Construction

Construction of the Typical Projects would involve site disturbance, movement of construction equipment, and import and export of materials. Construction would occur along the LA River right-of-way. It would include an area of approximately 3 acres (for Common Elements) or up to 40 acres (for the Multi-use Trails and Access Gateways) and would last about 10 to 20 months, respectively. Ground disturbance would include site clearing and excavation. Excavation would be a maximum depth of 7 feet below ground surface (bgs) to construct pavilions and install footings for bollards, lighting, or fences and generally 2 feet bgs for trails. Interpretive and environmental graphics that could include Native American place names and tradition descriptions, information concerning the natural history of the river alignment, and cultural history of the alignment vicinities and communities are included in the recommended environmental graphic *2020 LA River Master Plan Design Guidelines* (Design Guidelines; as described in Chapter 2, *Project Description*, and included in Appendix B). If implemented, these graphics would be placed at strategic access points to the study area.

An SLF search conducted through the NAHC on March 12, 2020 identified positive results on two USGS quadrangles that intersect Frames 5, 6, and 9 within the study area. Therefore, surface-exposed or buried cultural materials, cultural objects, or landscapes determined to be TCRs have been identified in Frames 5, 6 and 9. TCRs that have not yet been identified could be present within all nine frames, and construction of the Typical Projects could result in the potential to cause a substantial adverse change in the significance of a TCR, if present. In addition to CRHP-eligible TCRs, TCRs can also be determined through consultation between the lead agency and a tribe (TCRs identified under PRC Section 5024.1(c) are strictly determined through consultation between the lead agency and California Native American tribe). If no TCRs are identified through consultation, then nothing further would be required. If, however, a TCR is identified by the lead agency in the study area through the consultation process, and if construction could result in a substantial adverse change in the significance of the TCR, then the impact would be considered significant.

Impact Determination

Impacts would be potentially significant.

Mitigation Measures

Apply the following mitigation measures, which are described in Section 3.4, *Cultural Resources*.

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

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

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

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

Mitigation Measure CR-4c: Provide Archaeological and Native American Monitoring and Establish Archaeological Monitoring Plan.**Mitigation Measure CR-4d: Develop and Implement an Archaeological Evaluation and Treatment Plan to Evaluate Potentially Significant Archaeological Discoveries.****Mitigation Measure CR-5: Temporarily Halt Ground Disturbance for Unanticipated Discoveries per SOI Standards.**

In addition, Apply the following mitigation measures.

Mitigation Measure TCR-1: Conduct Native American Monitoring.

If determined necessary via consultation, in addition to Mitigation Measure CR-4c Native American monitoring requirements, Native American monitoring will be conducted by the tribe that identified the TCR through AB 52 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 Mitigation Measure 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 Section 7050.5 of the Health and Safety Code (Mitigation Measure CR-7), described in Section 3.4.2.2 of the PEIR.

Significance after Required Mitigation

Although implementation of the mitigation measures would help reduce the impacts, the specific locations of Typical Projects and presence of TCRs as well as the Typical Projects' effects on TCRs are not known at this time. Therefore, it is possible that impacts, based on the specific resource, could remain significant. Impacts would be significant and unavoidable.

Operations

The Common Elements and Multi-Use Trails and Access Gateways Typical Projects could include new single-story structures—such as pavilions, cafes, and restrooms—or lower-profile infrastructure—such as multi-use trails, signs, lighting, benches, and other associated recreational facilities—that could interfere with or otherwise adversely affect the setting or viewshed of a nearby TCR, which could indirectly affect the integrity of the resource. Operational elements, such as increased erosion along proposed trail alignments, facilities, and recreational areas, could result from increased public use. Additionally, introducing recreationists and trail users in new facilities associated with a Typical Project near a potentially significant TCR could directly affect TCRs through unanticipated destruction of in situ TCRs, destruction or removal from looting, or other negative impacts on the integrity of the resource.

These activities could result in the exposure, disturbance, and potential destruction through damage or removal of existing resources and previously unrecorded TCRs.

Impact Determination

Impacts would be potentially significant.

Mitigation Measures

Mitigation Measure TCR-2: Avoid TCRs during Project Operations through Establishment of Environmentally Sensitive Areas.

If physical portions of previously identified TCRs are left in place after project construction, then Environmentally Sensitive Areas will be established to protect any remaining physical portions of the TCR from further direct or indirect effects that may result as part of project operations. The establishment of Environmentally Sensitive Areas will be conducted in coordination and consultation with Native American tribes.

Mitigation Measure TCR-3: Temporarily Halt Ground Disturbance for Unanticipated TCR Discoveries during Operations.

If TCRs are discovered inadvertently during project operations, work will be temporarily halted in the area and within 100 feet of the find. The implementing agency will notify the consulting Native American tribe to assess the find and develop the appropriate treatment measures in consultation with the implementing agency and Native American tribes.

Significance after Required Mitigation

Similar to construction-related impacts on TCRs, although implementation of the mitigation measures could help reduce the impacts, the specific locations of projects and presence of TCRs, as well as the projects' effects on TCRs, are not known at this time. Therefore, it is possible that impacts could remain significant. Impacts would be significant and unavoidable.

2020 LA River Master Plan Kit of Parts

Within all frames, the Common Elements Typical Project analyzed above could be implemented in whole or as a combination of its individual elements with all the KOP categories discussed below. Therefore, for potential impacts of the Common Elements Typical Project, see above. The impact discussion below focuses on specific KOP categories only. Each of the KOP categories is analyzed separately where differences in impacts exist; KOP categories with similar impacts are grouped together. Appendix E presents a summary table of potential construction and operations impacts under each KOP category.

KOP Categories 1 through 6

Construction

As with the Typical Projects discussed above, the six KOP categories would be implemented over a period of 25 years, depending on factors such as availability of funding and necessary approvals. The construction activities proposed under all the KOP categories could result in significant impacts on TCRs. Impacts may be direct through proposed ground disturbance, which could include site clearing and excavation that may result in adverse effects on surface-exposed or buried cultural materials, cultural objects, or landscapes determined to be TCRs. Impacts on TCRs could also be indirect and would include potential significant changes to the setting or viewshed of a TCR, which

could include construction of new structures, recreational facilities, and elements that could indirectly affect the integrity of the resource.

The NAHC identified positive results on two USGS quadrangles that intersect the study area. These occur in Frames 5, 6, and 9. Other sensitive areas may be identified through ongoing consultation in any frame. TCRs determined to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1 are resources determined by the lead agency, in its discretion, and supported by substantial evidence. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe.

Impact Determination

Impacts would be potentially significant.

Mitigation Measures

Apply the following mitigation measures, which are described in Section 3.4, *Cultural Resources*.

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

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

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

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

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

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

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

Apply the following mitigation measure, which is described above.

Mitigation Measure TCR-1: Conduct Native American Monitoring.

Significance after Required Mitigation

Although implementation of the mitigation measures could help reduce the impacts, the specific locations of subsequent projects under the six KOP categories, the presence of TCRs, and the subsequent projects' effects on TCRs are not known at this time. Therefore, it is possible that impacts would remain significant. Therefore, impacts would be significant and unavoidable.

Operations

Potential impacts from operation of the design components under the KOP categories would vary depending on the specific design component and its intended function, as well as on the specific location, including in-channel or off-channel. The specific location and design for these components have not been determined yet and would depend on numerous factors, including project proponent and availability of funding. As described in Chapter 2, *Project Description*, and under the construction section above, the KOP categories include a variety of construction scenarios that include ground-disturbing activities. The operation of the KOP components could result in significant impacts on TCRs, including increased erosion along proposed trail alignments, facilities, and recreational areas from increased public use and potential for looting. These activities could result in the exposure, disturbance, and potential destruction through damage or removal of existing resources and previously unrecorded TCRs. Other KOP operations—including off-channel water features and floodplain storage and wetlands—could expose previously undocumented surfaces or buried TCRs through stream or off-channel degradation processes and water erosional processes related to floodplain storage activities.

Impact Determination

Impacts would be potentially significant.

Mitigation Measures

Apply the following mitigation measures, which are described above.

Mitigation Measure TCR-2: Avoid TCRs during Project Operations through Establishment of Environmentally Sensitive Areas.

Mitigation Measure TCR-3: Temporarily Halt Ground Disturbance for Unanticipated TCR Discoveries during Operations.

Significance after Required Mitigation

Although implementation of the mitigation measures could help reduce the impacts, the specific locations of subsequent projects under the six KOP categories and presence of TCRs, as well as the subsequent projects' effects on TCRs, are not known at this time. Therefore, it is possible that the impacts would remain significant. Impacts would be significant and unavoidable.

Overall 2020 LA River Master Plan Implementation

As described in the *2020 LA River Master Plan*, it is anticipated that approximately 107 projects ranging in size from extra-small (less than 1 acre) to extra-large (150+ acres/10+ miles) would be implemented over the 25-year horizon period to meet the proposed Project's nine objectives. These would include the Typical Projects that would be implemented in specific spacing along the river, and subsequent projects composed of the KOP multi-benefit design components. These elements together comprise the entirety of the *2020 LA River Master Plan*. As described in Chapter 2, *Project Description*, the greatest number of projects (85) anticipated under the *2020 LA River Master Plan* are extra-small and small projects (up to 3 acres), followed by 10 medium projects (3 to 40 acres/5 miles in size), 11 large projects (40 to 150 acres/10 miles in size), and one extra-large project (150+ acres/10+ miles in size).

Construction

As for the KOP categories, construction of all 107 projects under the *2020 LA River Master Plan* would generally involve site disturbance, movement of construction equipment, construction staging areas, and import and export of materials, all of which could result in a substantial adverse change in the significance of the TCR.

Impact Determination

Impacts would be potentially significant.

Mitigation Measures

Apply the following mitigation measures, which are described in Section 3.4, *Cultural Resources*.

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

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

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

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

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

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

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

Apply the following mitigation measure, which is described above.

Mitigation Measure TCR-1: Conduct Native American Monitoring.

Significance after Required Mitigation

Although implementation of the mitigation measures would help reduce the impacts, the specific locations of projects and presence of significant TCRs as well as the projects' effects on the resources are not known at this time. Therefore, it is possible that impacts, based on the specific resource, could remain significant. Impacts would be significant and unavoidable.

Operations

As for the KOP categories, potential impacts from operation of the design components all 107 projects under the *2020 LA River Master Plan* could result in increased human activity, landscape use, and channel erosion, which could result in significant impacts on human remains. Operations activities related to the 107 projects could introduce or increase public use activities such as

increased erosion along proposed trail alignments, facilities, and recreational areas. Additionally, introducing recreationists and trail users near new facilities associated with the projects near TCRs could directly affect TCRs through exposure and removal from unanticipated disturbance, increased looting potential due to increased use, or other negative impacts on the integrity of the resource.

Impact Determination

Impacts would be potentially significant.

Mitigation Measures

Apply the following mitigation measures, which are described above.

Mitigation Measure TCR-2: Avoid TCRs during Project Operations through Establishment of Environmentally Sensitive Areas.

Mitigation Measure TCR-3: Temporarily Halt Ground Disturbance for Unanticipated TCR Discoveries during Operations.

Significance after Required Mitigation

Although implementation of the mitigation measures would help reduce the impacts, the specific locations of projects and presence of significant historical resources as well as the projects' effects on the resources are not known at this time. Therefore, it is possible that impacts, based on the specific resource, could remain significant. Impacts would be significant and unavoidable.

Cumulative Impacts

The geographic context for an analysis of cumulative impacts on TCRs is the greater Los Angeles region. This area covers the traditional ethnographic territory of the Gabrieleño (and to a lesser extent the portions of the Tataviam and Chumash territories that overlap). A description of the regulatory setting and approach to cumulative impacts analysis is provided in Section 3.0.2.

Criteria for Determining Significance of Cumulative Impacts

The proposed Project would have the potential to result in a cumulatively considerable impact on TCRs, if, in combination with other projects within the greater Los Angeles region, it would cause a substantial adverse change in the significance of a TCR, defined in PRC Section 21074 as a site, feature, place, or 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 either of the following: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or a resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying this criteria, the lead agency will consider the significance of the resource to a California Native American tribe.

Cumulative Condition

TCRs in the region are protected by state and regional laws and projects are required to comply with related federal, state, and local regulations. City, County, and regional goals and policies also aim to preserve and protect tribal cultural resources to the extent practicable. Even with regulations in

place, individual tribal cultural resources could still be affected or degraded (e.g., from demolition, destruction, alteration, structural relocation) as a result of new private or public development or redevelopment and implementation of land use strategies under cumulative plans and projects. Cumulative growth and development within the region have the potential to result in the loss or disturbance of historical and archaeological resources, including TCRs. Although these potential impacts are normally addressed on a project-specific basis through the formal consultation process, some projects are unable to fully avoid or fully mitigate potential impacts. Impacts related to the loss and/or disturbance of known or unknown archaeological sites (including TCRs) within the greater Los Angeles area, such that the significance of such resources would be materially impaired, are considered to be cumulatively significant due to the large number of TCRs within the greater Los Angeles region and the likelihood of yielding these resources. Therefore, a cumulative condition exists for tribal cultural resources.

Contribution of the Project to Cumulative Impacts

TCRs may be found throughout the County, and it is difficult to document TCRs with precise locations. Construction activities associated with trenching and deeper excavations, as opposed to more surficial disturbances, have the potential to uncover or disturb TCRs. The *2020 LA River Master Plan* would generally involve site disturbance, movement of construction equipment, construction staging areas, and import and export of materials, all of which could result in a substantial adverse change in the significance of the TCR. Although implementation of the mitigation measures (Mitigation Measures CR-1a-b, CR-4a-d, CR-5, TCR-1, TCR-2, and TCR-3) would help reduce the impacts, considering the existing significant cumulative impacts for TCRs in the greater Los Angeles region, it would be reasonable to infer that the Project could result in localized significant impacts on TCRs. Therefore, the Project's contribution to cumulative tribal cultural resources impacts would be considerable.