

IV. Environmental Impact Analysis

N. Tribal Cultural Resources

1. Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project, as required by the California Environmental Quality Act (CEQA) as amended by Assembly Bill (AB) 52. The Native American consultation documentation is provided in Appendix N of this Draft EIR.

2. Environmental Setting

a) Regulatory Framework

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

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

(1) State

(a) *Assembly Bill 52*

Assembly Bill (AB) 52 was approved on September 25, 2014. The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 20174(b) as a cultural landscape that meets the criteria of subdivision (a) to the extent that the landscape

is geographically defined in terms of the size and scope of the landscape. PRC Section 210174(c) provides that a historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 21080.3.1 requires that, within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern.¹ Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation.²

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.³

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a MND for a project with a significant impact on an identified tribal cultural resource, only if a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or requested a consultation but failed to engage in the consultation process, or the consultation process occurred and was concluded as described above, or if the California Native American tribe did not request consultation within 30 days.⁴

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native

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

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

³ Public Resources Code, Section 21080.3.2(b)

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

American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

Confidentiality does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the Applicant or the Applicant's agents, or are lawfully obtained by the Project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.⁵

(b) *California Public Resources Code*

PRC Section 5097.98, as amended by AB 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (NAHC), upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the landowner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

PRC Section 5097.99 prohibits acquisition or possession of Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1984, except in accordance with an agreement reached with the NAHC.

PRC Section 5097.5 provides protection for tribal resources on public lands, where Section 5097.5(a) states, in part, that:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

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

(c) *California Penal Code*

California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”

California Penal Code Section 623 provides the following: “Except as otherwise provided in Section 599c, any person who, without the prior written permission of the owner of a cave, intentionally and knowingly does any of the following acts is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment: (1) breaks, breaks off, cracks, carves upon, paints, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, mars, or harms any natural material found in any cave. (2) disturbs or alters any archaeological evidence of prior occupation in any cave. (3) kills, harms, or removes any animal or plant life found in any cave. (4) burns any material which produces any smoke or gas which is harmful to any plant or animal found in any cave. (5) removes any material found in any cave. (6) breaks, forces, tampers with, removes or otherwise disturbs any lock, gate, door, or any other structure or obstruction designed to prevent entrance to any cave, whether or not entrance is gained.

b) Existing Conditions

(1) Project Site

The area proposed for the Project consists of the Property, a 16.1-acre area owned by the School and the Leased Property, a 1.1-acre area leased by the School from the Los Angeles County Flood Control District which collectively comprise the Project Site.

Regarding the Project Site’s potential to contain subsurface archaeological resources, a review of geologic maps indicates the underlying geologic unit is comprised of the Holocene-age (11,700 years ago to present) alluvium. Given that the Holocene-age of this alluvium encompasses the entirety of human occupation of the region, there is the potential for intact subsurface archaeological deposits to underlie the Project Site. The soil profile within the Project Site is comprised of fill material extending from the surface to a minimum depth of 2 feet and a maximum depth of 7 feet⁶ followed by a C-horizon, which would extend from the depth of fill to a maximum depth of 6.6 feet.⁷ Given the disturbed nature of the fill material, there is no potential for it to contain intact

⁶ Geotechnologies, Geotechnical Engineering Investigation Proposed Academic and Athletic Development 4141 Whitsett Avenue, Studio City, California, Prepared for Harvard-Westlake School, 2020. Included in Appendix G of this Draft EIR.

⁷ Natural Resources Conservation Service (NRCS). 2017a. Palmview Series. Electronic resource, https://soilseries.sc.egov.usda.gov/OSD_Docs/P/PALMVIEW.html, accessed December 3, 2020; See also Natural Resources Conservation Service (NRCS). 2017b. Tujunga Series. Electronic resource, https://soilseries.sc.egov.usda.gov/OSD_Docs/T/TUJUNGA.html, accessed December 3, 2020.

archaeological deposits. However, the C-horizon presumed to underlie the fill material has the potential to contain intact archaeological deposits given the age of its parent material. As such, if intact subsurface archaeological deposits are present within the Project Site, they would be more likely to be found within the C-horizon beyond the 2-foot minimum depth of fill material.

(2) Ethnographic Setting

The Project Site is located in a region traditionally occupied by the Takic-speaking Gabrielino Indians. The term “Gabrielino”⁸ is a general term that refers to those Native Americans who were moved by the Spanish at the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers, the Los Angeles basin, and the islands of San Clemente, San Nicolas, and Santa Catalina.⁹ Their neighbors included the Chumash to the north, the Juañeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence.¹⁰ The Gabrielino language is part of the Takic branch of the Uto-Aztecan language family. The Gabrielino were hunter-gatherers, who lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering.

There were possibly more than 100 mainland villages, and Spanish reports suggest that village populations ranged from 50 to 200 people.¹¹ Prior to actual Spanish contact, the Gabrielino population had been decimated by diseases, probably spread by early Spanish maritime explorers. Villages are reported to have been the most abundant in the San Fernando Valley, the Glendale Narrows area north of Downtown Los Angeles, and around the Los Angeles River’s coastal outlets.¹² The closest villages to the Project Site were the village of *Kaweenga*, located in what is present-day Universal City approximately 3 miles east of the Project Site, and the village of *Siutcanga* located in what is present-day Encino approximately 6 miles west of the Project Site.¹³ The Kirkman-Harriman Pictorial and

⁸ The term “Gabrielino” is a general term used in ethnographies cited in this section, that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. In the modern era, individual tribal entities have adopted various spellings of the name as seen in Table IV.N-1.

⁹ Kroeber, A. L., *Handbook of the Indians of California*, Bureau of American Ethnology, Bulletin 78, Smithsonian Institution, Washington, D. C., 1925, p. 620.

¹⁰ Bean, Lowell J., and Charles R. Smith, *Gabrielino, in California*, edited by R.F. Heizer, pp. 538-549 *Handbook of North American Indians*, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C., 1978, p. 538.

¹¹ Bean, Lowell J., and Charles R. Smith, *Gabrielino, in California*, edited by R.F. Heizer, pp. 538-549 *Handbook of North American Indians*, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C., 1978, p. 540.

¹² Gumprecht, Blake, *Los Angeles River: Its Life, and Possible Rebirth*, The Johns Hopkins University Press, Baltimore, Reprinted 2001, p. 31.

¹³ McCawley, William. 1996. *The First Angelinos: The Gabrielino Indians of Los Angeles*, Malki Museum Press, Banning, California

Historical Map of Los Angeles County depicts two villages in the vicinity of the Project approximately 6 miles east and 6 miles west of the Project Site, respectively.

(3) Archival Research Summary

(a) *SCCIC Records Search*

As noted in the Phase I Archaeological Resources Assessment Report,¹⁴ archival research was conducted for the Project, which included a records search at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC). The SCCIC archives contain GIS and record databases for previous cultural resource studies and previously recorded cultural resources within Los Angeles, Ventura, Orange, and San Bernardino counties. The SCCIC provided the mapped locations for all previous studies and all previously recorded cultural resources within 1 mile of the Project Site. The SCCIC also provided copies of all previous studies overlapping the Project Site, as well as pdfs of all California Department of Parks and Recreation (DPR) 523 forms for all previously recorded cultural resources within the 1-mile records search study area.

The records search results indicate that eight cultural resources have been previously recorded within a 1-mile radius of the Project Site. All eight previously recorded cultural resources are historic architectural resources consisting of the following: a bridge at Moorpark Street over the West Branch of the Tujunga River (P-19-187568), another bridge located at Moorpark Street over the Los Angeles River (P-19-187570), four transmission lines (P-19-192538, -192539, -192540, and -192621), one commercial building, as located at 12840 Riverside Drive (P-19-189975), and one hotel, the Sportsmen's Lodge as located at 12833 Ventura Boulevard (P-19-190329). None of the eight resources overlap the Project Site. No previously recorded archaeological resources were identified as a result of the records search.¹⁵

(b) *Sacred Lands File Search*

The California NAHC maintains a confidential SLF, which contains sites of traditional, cultural, or religious value to the Native American community. A search of the SLF was requested from the NAHC on October 2, 2020. The NAHC responded in a letter dated October 6, 2020, that Native American cultural resources are not known to be located within the Project Site.¹⁶ No additional details regarding Native American cultural resources were provided by the NAHC.

¹⁴ ESA, Phase I Archaeological Resources Assessment Report, February 2021. Provided in Appendix E-2 of this Draft EIR.

¹⁵ ESA, Phase I Archaeological Resources Assessment Report, February 2021. Provided in Appendix E-2 of this Draft EIR.

¹⁶ Native American Heritage Commission, SLF Response Letter for the Harvard-Westlake River Park Project, 2020. Prepared for ESA. Letter on File at ESA

(4) Identification of Tribal Cultural Resources

(a) Assembly Bill 52 Tribal Consultation

In compliance with the requirements of AB 52, the City of Los Angeles Department of City Planning provided formal notification of the Project via FedEx and certified mail to 10 California Native American groups that are listed on the City's AB 52 contact list, on September 16, 2020, providing a 30-day response period. The Native American groups contacted are summarized in in **Table IV.N-1, Summary of AB 52 Consultation**, provided below, which also includes the dates outreach letters were sent, the dates tribal responses were received, and the dates consultation meetings were held. The outreach letters included a description of the Project, the Project location, and a notification of the type of consultation being initiated. The City received a response from two (2) of the 10 California Native American groups, both of which, to date, have submitted formal consultation requests: Fernandeano Tataviam Band of Mission Indians (FTBMI) and Gabrieleño Band of Mission Indians - Kizh Nation (Kizh Nation). No communication or request for consultation was received from any of the other notified tribes within the response period.

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

Contact	Tribe/Organization	Date AB 52 Notice Sent	Response Received	Consultation Results
Rudy Ortega, Tribal President	Fernandeano Tataviam Band of Mission Indians	9/16/2020	No response	-
Jairo Avila, Tribal Historic and Cultural Preservation Officer	Fernandeano Tataviam Band of Mission Indians	9/16/2020	9/22/2020 - Request for Consultation	Consultation meeting held on 10/28/2020, 8/12/21, and 10/18/2021
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians – Kizh Nation	9/16/2020	9/25/2020 - Request for Consultation	Consultation meeting held on 11/25/2020
Anthony Morales, Chairperson	Gabrielino/Tongva San Gabriel Band of Mission Indians	9/16/2020	No response	-
Sandonne Goad, Chairperson	Gabrielino/Tongva Nation	9/16/2020	No response	-
Robert F. Dorame, Chairperson	Gabrielino Tongva Indians of California Tribal Council	9/16/2020	No response	-
Charles Alvarez	Gabrielino-Tongva Tribe	9/16/2020	No response	-
Donna Yocum, Chairperson	San Fernando Band of Mission Indians	9/16/2020	No response	-
Scott Cozart, Chairperson	Soboba Band of Luiseño Indians	9/16/2020	No response	-
Thomas Torte, Chairperson	Torres Martinez Desert Cahuilla Indians	9/16/2020	No response	-

SOURCE: ESA, 2021.

In an email dated September 22, 2020, Jairo Avila, Tribal Historic and Cultural Preservation Officer for the FTBMI, responded to the City's notification requesting formal AB 52 consultation. As part of the email, Mr. Avila requested Project excavation plans, as well as the Geotechnical Report and Cultural Resources Report prepared for the Project. AB 52 consultation meetings, via phone, with Mr. Avila were held on October 28, 2020, August 12, 2021, and October 18, 2021. The City provided the Project-related materials to Mr. Avila including the Phase I Archaeological Resource Assessment Report, the Geotechnical Report, the Historic Resources Assessment Report, and the Paleontological Resources Report. In an email dated October 18, 2021, Mr. Avila stated that the provided materials were reviewed and concluded the Project has the potential to impact tribal cultural resources. Mr. Avila stated the Project Site is located adjacent to the Los Angeles River and the El Camino Real, which are both considered to be tribal cultural resources by the FTBMI. The El Camino Real, also known as the Royal Road or King's Highway, was a road established by the Spanish, often on existing tribal travel routes, that connected California's missions from southern California to northern California. The historic route for El Camino Real largely conforms to the present-day Highway 101 corridor located approximately 0.7 mile north of the Project Site. Mr. Avila stated both the Los Angeles River and El Camino Real are recognized as trail routes, which would have connected seasonal settlements and other resources. Based on the proximity of the Los Angeles River and El Camino Real, as well as the use of the area during the prehistoric and ethnographic period, Mr. Avila expressed concern that the Project could inadvertently impact previously unknown subsurface archaeological deposits that may qualify as tribal cultural resources. Although Mr. Avila stated the FTBMI take no issue with the Project, he provided recommended inadvertent discovery protocols that outline procedures to be enacted should tribal cultural resources be encountered during construction, significance assessment of the find, retention of a FTBMI monitor should the find be significant, and consultation with the FTBMI regarding the final disposition of any finds.

In a letter dated September 25, 2020, Andrew Salas, Chairman of the Kizh Nation, responded to the City's notification requesting formal AB 52 consultation. On November 25, 2020, the City and Chairman Salas held a consultation meeting via phone to discuss the Project. Following the meeting, in an email dated December 4, 2020, Chairman Salas provided a summary of the meeting as well as materials relevant to tribal cultural resources. These materials include historic maps, excerpts about potential locations of villages, other relevant ethnographic literature, and proposed mitigation measures. The documentation indicated trade routes, trails, waterways, and the village of *Cahuenga*, historically located near the Project Site. One of the documents provided by Chairman Salas indicates the ethnographic village of Cahuenga was located near present-day Universal City, approximately 3 miles east of the Project Site. Chairman Salas also provided Kizh Nation's recommended mitigation measures, which include retention of a Native American monitor/consultant, unanticipated discovery protocols for human burials and funerary objects, assessment protocols for discovered resources, procedures for assessing burials and associated soils, and treatment procedures for human remain recovery and re-burial.

As a result of the City's AB 52 consultation efforts, no tribal cultural resources were identified within the Project Site or in the vicinity. However, based on the materials provided by Mr. Avila of the FTBMI, and Chairman Salas, of the Kizh Nation, both groups consider the Project Site sensitive for the presence of subsurface deposits potentially containing cultural items and human remains.

3. Project Impacts

a) Thresholds of Significance

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

Threshold (a): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

The City's *L.A. CEQA Thresholds Guide* does not specifically address tribal cultural resources. In assessing impacts related to tribal cultural resources in this section, the City will use Appendix G as the thresholds of significance.

b) Methodology

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

c) Project Design Features

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

d) Project Impacts

Threshold (a): Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

(1) Impact Analysis

No archaeological resources have been previously recorded within the Project Site itself or within a 0.5-mile radius of the Project Site. The SLF search conducted by the NAHC indicates that no known Native American cultural resources have been identified within the Project Site or its immediate vicinity. In compliance with the requirements of AB 52, and as summarized in the *Assembly Bill Tribal Consultation* subsection above, the City held consultation meetings with both the FTBMI and Kizh Nation Tribes. As part of the consultation with the FTBMI, Jairo Avila, the Tribal Historic Preservation Officer for the FTBMI, stated the Project Site is in close proximity to the Los Angeles River and the El Camino Real, both considered to be tribal cultural resources by the FTBMI and recognized as trail routes, which would have connected seasonal settlements and other resources. Based on the proximity of the Los Angeles River and El Camino Real, as well as the use of the area during the prehistoric and ethnographic period, Mr. Avila stated the Project could inadvertently impact subsurface archaeological deposits that may qualify as tribal cultural resources. Similarly, as part of the AB 52 consultation held between the Kizh Nation and the City, Andrew Salas, Chairman of the Kizh Nation, provided materials relevant to tribal cultural resources including historic maps, excerpts about potential locations of villages, other relevant ethnographic literature, and proposed mitigation

measures. The documentation provided by Chairman Salas identified trade routes, trails, waterways, and the village of *Cahuenga*, historically located near the Project Site, in what is presently Universal City located 3 miles to the east.

The materials provided by both the FTBMI indicate the Project Site and its vicinity were located along transportation routes that prehistoric and ethnographic period peoples would have used to travel between villages and resource areas. However, the materials did not identify the presence of known resources within the Project Site itself. Therefore, as a result of the AB 52 consultation process, no known tribal cultural resources were identified within the Project Site. Accordingly, based on the Appendix G thresholds of significance, Project implementation would not cause a substantial adverse change in the significance of a known tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or local register, nor a known tribal cultural resource that has been determined significant by the lead agency, in its discretion and supported by substantial evidence. As such, the Project would have a less than significant impact without mitigation to known tribal cultural resources.

Although no known tribal cultural resources were identified as a result of the consultation, as stated above, both Mr. Avila of the FTBMI, and Chairman Salas of the Kizh Nation consider the Project Site to be sensitive for the presence of subsurface archaeological resources that may qualify as tribal cultural resources due to its proximity to prehistoric and ethnographic period travel routes. As referenced in the geoarchaeological review discussed in Section IV.D, *Cultural Resources*, of this Draft EIR, the Project Site is mapped at surface as containing Holocene-age alluvium, which encompasses the entirety of the region's human occupation and therefore has the potential to contain subsurface archaeological deposits that may qualify as tribal cultural resources. Should intact subsurface archaeological deposits be present within the Project Site, they would likely be found within the C-horizon beyond depths of 2-7 feet, which is the depth of fill material. Project-related ground disturbance would extend to depths of 21 feet, beyond the depths of fill and into the C-horizon where subsurface archaeological resources that could qualify as tribal cultural resources may be present. Although there is the potential to encounter archaeological resources that may qualify as tribal cultural resources on the Project Site, the City has established a standard Condition of Approval under its police power and land use authority to address any inadvertent discovery of a tribal cultural resource. In the event that tribal cultural resources are inadvertently encountered during Project construction, the School would be required to comply with the City's standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries. The City's standard Condition requires the immediate halt of construction activities in the vicinity of the discovery, coordination with appropriate Native American tribes and the City, and development and implementation of appropriate actions for treating the discovery.

Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074, and, with adherence to the City's standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries, impacts to unknown tribal cultural resources would be less than significant.

(2) Mitigation Measures

Impacts to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

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

e) Cumulative Impacts

(1) Impact Analysis

As demonstrated above, the Project would have a less than significant impact without mitigation on tribal cultural resources. Specifically, there are no resources listed or determined eligible for listing, on the national, State, or local register of historical resources, and the Lead Agency determined that no resources were identified during AB 52 tribal consultation that are eligible for listing under the criteria in PRC Section 5024.1(c). As with the Project, each of the five (5) related projects, which are summarized in Section III, *Environmental Setting*, of this Draft EIR, would also be required to engage in AB 52 consultation with Native American tribes in order to identify any tribal cultural resources that could potentially be impacted by the related project and to address potentially significant impacts, if identified. The related projects would also be required to comply with the applicable regulatory requirements, as well as the City's standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries, and any site-specific mitigation that would be identified for that related project. Although no known tribal cultural resources are located within the Project Site, there is the potential to encounter unknown archaeological resources that may qualify as tribal cultural resources beyond the 2 to 7-foot depth of fill present within the Project Site. However, with the implementation of the City's standard Condition of Approval for addressing inadvertent impacts to tribal cultural resources, the Project's contribution, as well as the contribution of the five (5) related projects, to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts on tribal cultural resources would be less than significant.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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

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