

## **Appendix FEIR-14**

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### Archaeological and Tribal Cultural Resources Supplemental Memorandum

# TECHNICAL MEMORANDUM IN RESPONSE TO COMMENTS ADDRESSING ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES FOR THE TVC 2050 PROJECT CITY OF LOS ANGELES, CALIFORNIA

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**MAY 2023**

## TECHNICAL MEMORANDUM

**Date:** May 25, 2023

**Re:** **Technical Memorandum in Response to Comments Addressing Archaeological and Tribal Cultural Resources, TVC 2050 Project, City of Los Angeles, California**

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The TVC 2050 Project (Project) is proposing to establish the TVC 2050 Specific Plan to allow for the modernization and expansion of production facilities within the approximately 25-acre Television City property (Project Site), located at 7716-7860 West Beverly Boulevard, Los Angeles, California, which is in the Wilshire Community Plan area. The Project is subject to review under the California Environmental Quality Act (CEQA), and the City of Los Angeles (City) Department of City Planning (City Planning) is the CEQA lead agency. The City published the Draft EIR for the Project on July 14, 2022. This memorandum provides technical analyses responsive to comments addressing the analysis in the Draft EIR of the Project's potential impacts to archaeological and tribal resources. (Refer to Section 3 of this memorandum.)<sup>1</sup> To provide context to those analyses, Section 2 of this memorandum summarizes the information and analyses in the Draft EIR relating to archaeological and tribal resources. Section 1 of this memorandum provides an executive summary of the Project's potential impact to archaeological and tribal resources, as well as the mitigation measure that was included in the Draft EIR and clarified in response to comments, which would ensure that potential impacts will be less than significant.

### 1. Executive Summary

Confidential archaeological site information was obtained by Dudek during the records search of the California Historical Resources Information System (CHRIS), particularly the record for archaeological site CA-LAN-3045H, but also several previous cultural resource assessments (LA-10507) that involved portions of the Project Site, as discussed on page IV.B-33 of Section IV.B, Cultural Resources, of the Draft EIR. Several studies were also identified in the CHRIS that provided information relevant to the Project Site although they were near but not directly within the footprint of the Project Site, and includes the three following reports: *Evaluation of the Archaeological Resources and Potential Impact of Proposed Pan Pacific Park* (LA-00128); *The Grove at Farmers Market project: Archaeological and Paleontological Monitoring Report for Phase I of The Grove at Farmers Market (CA-LAN-3045H), Los Angeles, Los Angeles County, California* (LA-07363), and; *Final Archaeological and Paleontological Monitoring Report for The Grove at Farmers Market, The Farmers Market Expansion Project, and the Gilmore Adobe Landscaping Project, Los Angeles, Los Angeles County, California* (LA-07368). The first of these was summarized in the *Tribal Cultural Resources Report* and Section IV.B, Cultural Resources, of the Draft EIR, because the study area was mapped within a portion of the Project Site, although the majority was focused on the footprint of the Pan Pacific Park, which is east of the Project Site. The latter two reports describe the results of the archaeological monitoring efforts associated with the recording of

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<sup>1</sup> This memorandum has been prepared by Dudek, the expert who prepared the technical reports in Appendices C.2 and F of the Draft EIR regarding archaeological, tribal cultural, and paleontological resources, and with contributions from Chris Millington of SWCA. Given Mr. Millington's extensive experience in the area of archaeological resources and tribal cultural resources, Mr. Millington was asked to collaborate on the analyses provided in this memorandum. (Mr. Millington's resume is provided at Appendix [A] to this memorandum.)

CA-LAN-3045H, which occurred in the early 2000s by Cogstone Resource Management Inc. (Cogstone) during construction of the commercial development known as The Grove at Farmers Market to the south of the Project Site.

Among the above-described sources, there was no evidence identified for a tribal cultural resource, which includes significant Native American archaeological resources and/or specific resources identified by California Native American tribes through the process of AB 52. The presence of CA-LAN-3045H, a historical archaeological site (i.e., not affiliated with Native Americans), was indicated as part of the CHRIS search. A summary of the site was included in the *Tribal Cultural Resources Report* and pages IV.B-34 and IV.B-57 of Section IV.B, Cultural Resources, of the Draft EIR. CA-LAN-3045H was recorded to the south of the Project Site and consists of several archaeological features and artifacts as well as the Gilmore Adobe building (constructed around 1852) and elements of The Original Farmers Market.<sup>2</sup> The archaeological components represented a wide date range from the early nineteenth century to the 1970s and include associations with the historical residential uses of the Gilmore Adobe, The Original Farmers Market, oil drilling, and dairy farming. Historical activities within the site's boundary include the use as a dairy until 1904, at which point it began to be used for oil drilling and refining. The Original Farmers Market was established in 1934 and became the primary use within this part of the Gilmore's property. The artifacts and features from CA-LAN-3045H were identified as isolated items and in concentrations. Materials were recorded in the original locations but were also recovered from spoils piles, in which cases their provenience was generalized to the entire site. Cogstone's reports do not expressly state that a formal process was followed for evaluating the significance of the discovered artifacts and features under CEQA.

The archaeological components of CA-LAN-3045H were observed to depths of approximately 4 feet below grade. Both the archaeological and historical built-environment components were recorded within a boundary measuring 2,200 feet (670 meters) by 1,200 feet (365 meters), which is approximated by Fairfax Avenue to the west, The Grove Drive to the east, and 3rd Street to the south; the southern boundary of the Project Site is the approximate northern boundary of the CA-LAN-3045H. A substantial portion of the archaeological components recorded within CA-LAN-3045H was found to have been associated with activities specific to this southern portion of the Gilmore's property. This includes the previously mentioned historical land uses: residential activities centered on the Gilmore Adobe building; operation of the oil well and refining facilities previously located along 3rd Street, near the present-day intersection with The Grove Drive; infrastructure and refuse from the employee housing established to the south of the primary residence; and The Original Farmers Market buildings and structures in the southwestern portion of the property at the intersection of 3rd Street and Fairfax Avenue. In other words, the substantial portions of the archaeological assemblage recorded in CA-LAN-3045H were found in the same locations where these various types of activities were described as having occurred. For example, abandoned oil wells that were backfilled with refuse were found in the location of the oil well documented in archival documents, maps, and aerial photos. Debris associated with The Original Farmers Market, employee housing, and the previous residential occupation of the Gilmore Adobe were found near the original locations of those buildings and structures.

Most of the buildings and structures and use of areas associated with the operation of the farm and historical residential use of the Gilmore Adobe appear to have been concentrated outside of the Project Site to the south, with only small portions overlapping into the southernmost portions of the Project Site. Only the southernmost (central and west) portions of the Project Site appear to have been more intensively used during the operation of the dairy farm. Otherwise, most of the Project Site was used as open pasture before being developed in 1934 with Gilmore Stadium, followed by Gilmore Field, and

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<sup>2</sup> The Gilmore Adobe and The Original Farmers Market are designated as City of Los Angeles Historic-Cultural Monument No. 543.

smaller commercial developments including restaurants, a miniature golf course, and gas station, each of which were then replaced by the studio buildings or parking lots for Television City, beginning in the early 1950s. Cogstone's analysis discusses that a portion of the archaeological assemblage could not be tied to specific activities, historical land uses, or time periods. This was due to the materials being recovered in isolation or in spoils piles, and because they lacked any diagnostic features from having been made of a generic material or heavily fragmented. The recorders noted that the historical refuse from multiple time periods were intermixed with each other and items that were not historic-in-age. These factors typically indicate a lack of integrity necessary to convey the historical significance of an archaeological resource. Again, Cogstone's field methods did not include a formal process by which discoveries were evaluated according to California Register criteria and assessed for integrity, and the subsequent reports do not provide an explicit evaluation of CA-LAN-3045H as a historical resource, nor do they expressly state whether the individual artifacts or features discovered contributed to the significance of the site, which was otherwise established on the basis of the Gilmore Adobe and The Original Farmers Market. Nonetheless, the portions described as fragmentary, found in isolation and spoils piles, or lacking diagnostic features, would generally not be considered as components that contributed to the significance of the CA-LAN-3045H.

While some of the specific components recorded in CA-LAN-3045H are not necessarily also likely to occur within the Project Site, the historical themes and material components referenced in the summary of CA-LAN-3045H constitute a substantial element of the overall historical context for the Project Site, and also provide a reliable indicator of the type of historical refuse scatters that could be reasonably inferred to be present within the Project Site, as was indicated in the Draft EIR.

The results of the *Geotechnical Investigation* are discussed on pages 29 and 30 of Dudek's *Tribal Cultural Resources Report*. In reviewing the sediment profiles from the 20 bores sampled across the Project Site, two (B8 and B12) are noted as having contained some brick, tile, wood, rock, and asphalt fragments within a stratum designated as fill soils. This could indicate the presence of a historical archaeological resource within the Project Site, but particularly as back-fill within a former stream channel running along the western portion of the Project Site, which is mentioned in the *Geotechnical Investigation* and *Tribal Cultural Resources Report*.

As mentioned above, isolated and fragmentary pieces of historical refuse typically lack the integrity needed to convey their historical significance under CEQA. For a historical refuse deposit, evaluation for listing on the California Register is typically found under Criterion 4, but significance can also be found eligible under Criteria 1 and 2 where the archaeological materials can be correlated with a historically significant event or person. Arthur Gilmore (1850–1918) is recognized as having local historical significance, and the industrial and commercial enterprises pursued with his son E.B. Gilmore (1887–1964) are noted as having been important to broad cultural, political, economic, or social history. Similarly, sporting and recreational events that took place at Gilmore Stadium and Gilmore Field could be considered as having local significance. However, in both cases, establishing the significance under Criteria 1 or 2 would depend on the nature of the materials being considered, and may require supplemental research to make a specific historical association more explicit. The nature of historical archaeological refuse scatters or features such as building foundations is such that they are not commonly found eligible for the CRHR under Criterion 3, i.e., refuse scatters and buildings foundations do not typically convey any distinctive characteristics in type, period, region, or method, and they are not the focus of masterful design or artistry.

Determining the integrity and the extent (horizontal and vertical) of the archaeological remains is an important component of CRHR eligibility evaluation. Information on the horizontal distribution and vertical depth of the cultural material provides baseline data about the site (e.g., size, presence or absence of subsurface components, discrete activity areas) that contribute to a determination of the site's integrity.

For an archeological site to be considered CRHR eligible, it must be considered significant under the CRHR criteria for evaluation and possess the quality of integrity (location, design, setting, materials, workmanship, feeling, and association). The integrity of an archeological site, particularly the elements of location, setting, and association, can be seriously impacted by disturbance due to natural or cultural transformations. Based on these considerations, isolated pieces of refuse, including but not limited to construction materials of the type described in Bores B8 and B12, are unlikely to be significant because they lack the integrity necessary to convey associations with specific historical events or people, or possess the informational potential needed to contribute to our understanding of the history at the local, regional, state, or national level.

To address potential impacts to previously undiscovered archaeological resources, Mitigation Measure CUL-MM-1 was put forward in the Draft EIR. Mitigation Measure CUL-MM-1 requires retaining a qualified archaeologist, preparing and implementing a Cultural Resource Monitoring and Treatment Plan, which includes providing worker trainings and monitoring ground disturbances. The measure, while sufficient to meet CEQA compliance and reduce potential impacts to a less-than-significant level, has been clarified in response to comments on the Draft EIR to further detail the process which will ensure that any archaeological discoveries are evaluated and treated in accordance with applicable regulations and following professional standards. Mitigation Measure CUL-MM-1 will ensure that impacts to archaeological resources of any type will be less than significant during construction of the Project.

## **2. Information Presented in the Draft Environmental Impact Report**

The Draft EIR was completed and submitted for public review on July 14, 2022 (Case Number ENV-2021-4091-EIR). Section IV.B, Cultural Resources, of the Draft EIR summarizes the existing conditions and potential for impacts to archaeological resources and proposes Mitigation Measure CUL-MM-1. The assessment of archaeological resources presented in the Draft EIR incorporates information presented in the following technical studies:

1. *Tribal Cultural Resource Report for the TVC 2050 Project, City of Los Angeles, California*, hereafter referred to as the *Tribal Cultural Resources Report*, prepared in March 2022 by Dudek (Appendix C of the Draft EIR);
2. *Historical Resources Technical Report, TVC 2050 Project*, hereafter referred to as the *Historical Resources Technical Report*, prepared in May 2022 by Historical Resources Group (HRG) (Appendix C of the Draft EIR);
3. *CBS Television City, Los Angeles, Historic Resource Assessment*, prepared in 2018 by Architectural Resources Group (ARG) and submitted to Gibson, Dunn & Crutcher LLP (attached to the *Historical Resources Technical Report* as Appendix D);
4. *Preliminary Geotechnical Engineering Investigation, Television City 2050 Specific Plan*, hereafter referred to as the *Geotechnical Investigation*, prepared in April 2022 by Geotechnologies, which includes the sediment profiles from 20 geotechnical bores drilled in the Project Site (Appendix E of the Draft EIR); and
5. *Phase I Environmental Site Assessment, CBS TV City Facility, 7800 Beverly Boulevard, Los Angeles, Los Angeles County, California*, hereafter referred to as the *Phase I ESA*, prepared in 2018 by GRS Group (Appendix G of the Draft EIR).

The *Tribal Cultural Resources Report* includes a review of sediment profiles from the 20 geotechnical bores, and incorporates information obtained from a variety of published sources including books,

academic articles, technical reports (confidential and non-confidential), maps, and aerial photographs.<sup>3</sup> As part of these five technical reports, the following sources were also assessed, which includes confidential archaeological data and content from publicly available sources: California Historical Resources Information System (CHRIS) search conducted by the South Central Coastal Information Center (SCCIC), which includes previous studies and archaeological resources in a 0.5-mile radius; Sacred Lands File (SLF) search conducted by the Native American Heritage Commission (NAHC); aerial photographs (1923–2016); Sanborn Fire Insurance maps (1950 and 1969); and U.S. Geologic Survey topographic maps (1894–2012). This memorandum additionally documents the Assembly Bill (AB) 52 process. Pursuant to AB 52, the City of Los Angeles Department of City Planning sent Project notification letters to all NAHC-listed Native American tribal representatives on the City’s AB 52 Contact List. The letters contained a Project description, outline of AB 52 timing, invitation to consult, and contact information for the appropriate lead agency representative. The City did not receive responses requesting consultation from these contacted tribal representatives, and, having reviewed information provided through the above-summarized sources, the consultation period under AB 52 was closed.

Collectively, these sources contain the information needed to describe the environmental and cultural setting, and in so doing, provide a reasonable basis to analyze the potential for impacts to archaeological and tribal cultural resources. The environmental conditions were assessed in the *Tribal Cultural Resources Report* using regional scale geologic mapping and Project-level soil stratigraphy acquired in the *Geotechnical Investigation*. Historical land uses helped to further contextualize the environmental conditions by inspecting ground photographs, aerial photographs, and maps that are included in the historical resources reports and Phase I ESA. An overview of the Native American archaeological record and review of Gabrielino ethnography is provided in the *Tribal Cultural Resources Report*. Importantly, through the CHRIS records search, archaeological site CA-LAN-3045H was identified as having been recorded in the property adjacent to the Project Site, as well as the associated archaeological monitoring studies produced in the early to mid-2000s. CA-LAN-3045H is composed of the material remains associated with land uses primarily from the early to middle twentieth century, but also from preceding and subsequent decades, while the property was under the ownership of the Gilmore family and during the time in which The Original Farmers Market was established. CA-LAN-3045H also includes the Gilmore Adobe and The Original Farmers Market, which collectively comprise various buildings and structures, and has been designated as City Historical Cultural Monument (HCM) No. 543. The historic resource technical reports by HRG and ARG provided additional historical context on the same historical periods described in the documentation for CA-LAN-3045H, but with a more specific focus on the development of Television City within the Project Site.

### **3. Specific Responses to Comments (Expert Opinions Addressing Responses to Draft EIR Comments)**

#### **Response to Comment No. 13-7**

The commenter stated that cultural resources must be protected during the Project, and suggested that the Project preserve historic, cultural, and paleontological resources so they could be displayed in a public exhibition for purposes of educating the community on local history. In Appendix G of CEQA Guidelines (California Code of Regulations, Title 14, Division 6), Section V. Cultural Resources is divided into the following three categories: (a) historical resources, (b) archaeological resources, and (c) human remains. The following content specifically addresses the portion of the comment concerning cultural resources. The commenter refers to resources that may be encountered “beneath” the Project Site, which are

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<sup>3</sup> Examples of seminal references include works such as William McCawley’s *The First Angelenos*, Robert Cleland’s *The Cattle of a Thousand Hills*, chapters from Volume 8, *California*, of the *Handbook of North American Indians*, and William Wallace’s article “Suggested Chronology for Southern California Coastal Archaeology.”

analyzed as potential archaeological resources under subsection b and includes those that may be historic-in-age, rather than above-grade buildings, structures, and objects that are exclusively historic-in-age, which are assessed as historical resources under subsection a.<sup>4</sup>

Regarding the protection of cultural resources that are archaeological in nature, Mitigation Measure CUL-MM-1 was put forward in the Draft EIR and ensures that if any archaeological resources are identified during the Project, they are given adequate protection in accordance with the applicable regulations under CEQA and specific performance standards. Specifically, Mitigation Measure CUL-MM-1 requires that a Cultural Resource Monitoring and Treatment Plan (CRMTP) be prepared that will guide the actions of trained archaeological professionals who will observe ground-disturbing work and identify any resources that might be present. Mitigation Measure CUL-MM-1 also stipulates that the CRMTP will provide a framework by which any identified resources would be evaluated for significance under CEQA, and that for any resources found to be significant, further steps would be taken as mitigative treatment that are specific to the nature of the resource and how its significance was determined. As specified in Mitigation Measure CUL-MM-1, once a resource is identified, the process of evaluation and treatment would all occur before construction activities in at least a 25-foot radius to the discovery could resume, thereby ensuring adequate protection is afforded to significant cultural resources that are archaeological in nature. These provisions are consistent with industry standards and ensure compliance with applicable regulations, including Section 15064.5 (f) of California Code of Regulations, Title 14, Division 6.

Regarding a public exhibition of materials from a discovery, there are a series of determinations that must be made before deciding whether this would be considered, either as a requirement, for example in fulfilling mitigative treatment, or as a discretionary action taken outside of any Project activities. During implementation of a Project subject to CEQA, the decision to publicly display archaeological or paleontological materials identified during construction is typically considered after determining whether it is necessary to collect some of the materials, and then whether it is necessary to curate some or all of the collection.

For archaeological resources, Mitigation Measure CUL-MM-1 specifies that CRMTP be consistent with the procedures and principles defined in the *Secretary of the Interior Standards for Archaeological Documentation Guidelines*<sup>5</sup> (*SOI Documentation Standards*), which provides generalized guidance on how field recording, analysis, reporting, and curation are fulfilled. The CRMTP will provide further detail and explain how the *SOI Documentation Standards* is to be implemented, which, as stated in Mitigation Measure CUL-MM-1, shall include but not be limited to monitoring protocols and provisions for evaluating and treating archaeological materials. By incorporating the *SOI Documentation Standards*, which define the professional standards for collecting and curating materials from a discovery, the identification of an appropriate curation facility is considered to be a standard element of a CRMTP and meets industry standards.

Curation is a process whereby specific materials are put into long-term storage by an accredited facility, which allows for the materials to be accessible for research and allows for the possibility of public exhibition. However, public exhibition for purposes of fulfilling mitigative treatment for a Project under CEQA is not always feasible, nor is it always necessary to satisfy research design goals or regulatory compliance, especially when alternative means of treatment are available. Public exhibition can confer a public benefit and, under some circumstances, may be an effective means of mitigating the loss of important historical or scientific information resulting from the destruction of a resource during

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<sup>4</sup> A significant archaeological resource is defined as historical resource under CEQA, but the analysis is still presented under the section specifically concerning archaeological resources and not historical resources.

<sup>5</sup> Published by the National Park Service and available at <https://www.nps.gov/articles/sec-standards-archeo-doc-guidelines.htm>.



implementation of a project. Analyzing the materials and publishing the results in a technical report, presenting the results in a professional or public forum, may also be effective means by which a public benefit is conferred and impacts from a project are reduced to less than significant levels. Because a public exhibition typically relies on the information obtained only through the technical analysis by experts, by comparison, it is typically prohibitively expensive to develop, and therefore, is not often considered to be a feasible means of treatment. Whereas the cost of analysis, curation, and technical reporting is more proportional to the impacts from a typical project. Furthermore, not all discoveries that contain important scientific information or otherwise contribute to the significance of a resource are necessarily of interest to the public. Therefore, public exhibition of the materials may not be an appropriate means of treatment as compared with technical publications, or even other means of presenting the information to the public such as printed media, text, or a public talk by an expert.

To summarize, the possibility of publicly exhibiting resources discovered during the Project is not necessary to include as a part of mitigation or in the CRMTP for the Project to avoid potentially significant impacts to archaeological or paleontological resources. While a public exhibition is not specifically discussed in Mitigation Measure CUL-MM-1, neither the measures nor standards by which the plans will be prepared preclude the possibility. The need for collecting, curating, and publicly exhibiting archaeological or paleontological materials and the details of the implementation would be assessed at the time of the discovery, but follow the standards established through implementation of Mitigation Measure CUL-MM-1.

#### **Response to Comment No. 26-42**

The commenter states that the *Tribal Cultural Resources Report* is inadequate as an informational document and cites the following reasons: (1) the report incorrectly focuses on the wrong region in its discussion of the cultural setting; (2) the records search radius should have been increased from a radius of 0.5 miles to 10 miles and does not account for reports that could not be obtained at the time; (3) there was no analysis of archaeological resources from the “protohistoric and historic periods.” (4) there was no pedestrian survey conducted; and (5) there was no geoarchaeological study conducted. This comment is largely based upon information included in a letter and attached table prepared by Donn R. Grenda, Ph.D., Principal with Statistical Research, Inc. (SRI) that is dated September 12, 2022 (SRI Letter). The topics involve technical details that vary from one another, but there is also substantial overlap in subject matter across all topics. Collectively, these topics largely concern how the existing physical conditions that constitute part of the CEQA environment are characterized for purposes of analyzing archaeological and tribal cultural resources.

Key technical aspects<sup>6</sup> related to the respective subjects are discussed below. After having further considered these topics, the *Tribal Cultural Resources Report* and Draft EIR appears to have adequately characterize the existing conditions of the Project Site for purposes of analyzing the potential for impacts to archaeological and tribal cultural resources and identifying feasible mitigation measures.

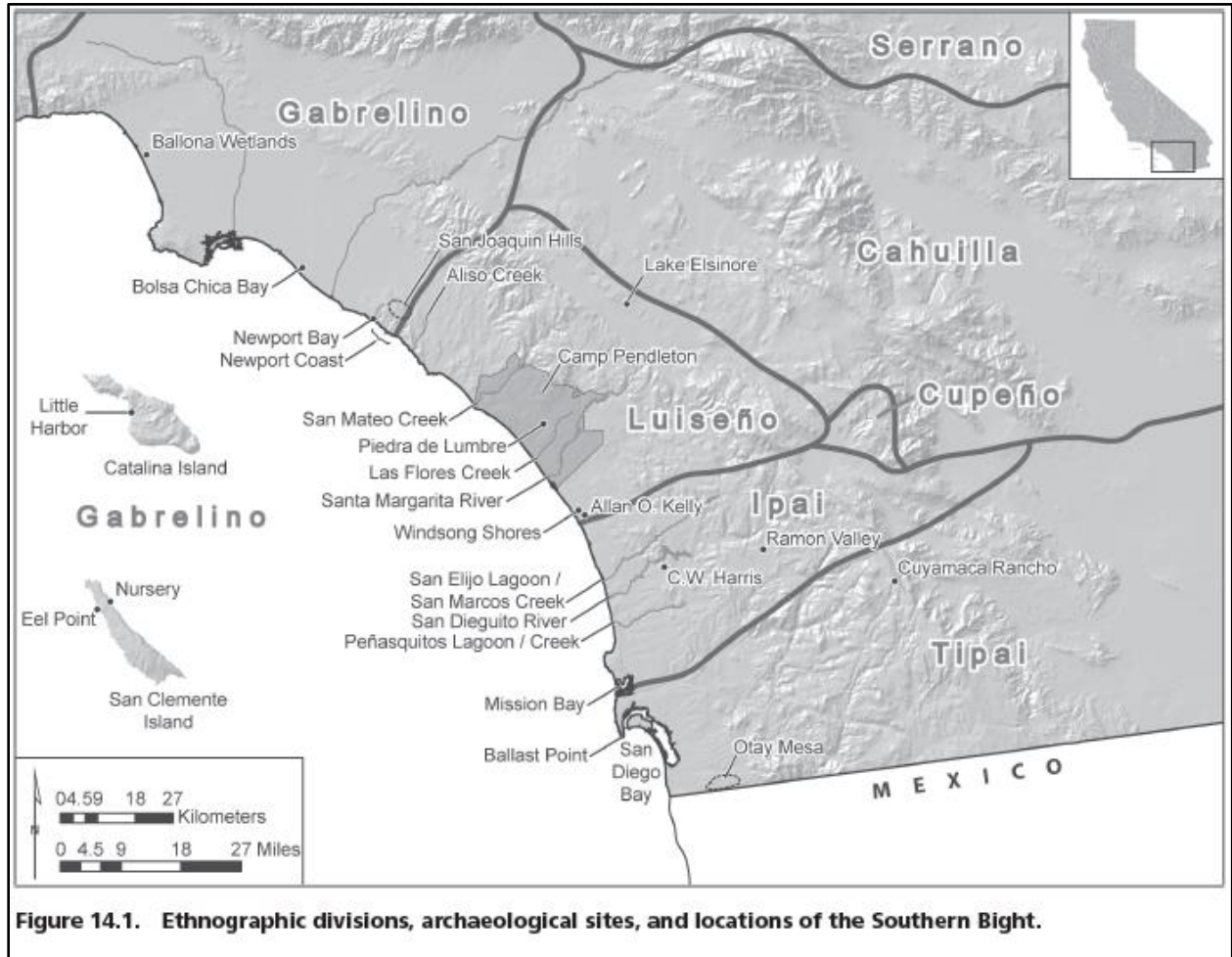
#### *1) Prehistoric Overview*

As referenced in the *Tribal Cultural Resources Report*, various attempts to parse out variability in prehistoric archaeological assemblages over this broad period have led to the development of several cultural chronologies.<sup>6</sup> Some of these chronologies are based on geologic time, most are based on

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<sup>6</sup> Examples include the following: Byrd, Brian F. and Mark Raab. 2007. “Prehistory of the Southern Bight: Models for a New Millennium. In *California Prehistory: Colonization, Culture, and Complexity*, edited by Terry L. Jones and Kathryn A. Klar, pp. 215-228. AltaMira Press, Lanham, Maryland; Douglas, John G., Seetha N. Reddy, Richard Ciolek-Torello, and Donn R. Grenda. 2016. *Volume 5. Gabrielino/ Tongva Origins & Development A View from Guaspet*. From People in a Changing Land The

temporal trends in archaeological assemblages, and others are interpretive reconstructions. There is no single “correct” chronology and California archaeologists have developed multiple chronologies based on new information and in service of different research objectives. For example, the chronology chosen by Brian Byrd and Mark Raab<sup>7</sup> for their summary of the Native American archaeological record is based on a synthesis of sites within the Southern Bight of California—an area that includes the coast and near-coastal setting from San Diego to Point Conception (Figure 1).



**Figure 1. Map used by Byrd and Raab in their prehistoric overview for the Southern Bight of California, which includes the Project Site.**

The *Tribal Cultural Resources Report* draws on broader regional patterns that are documented through review of early prehistory to supplement information gaps local to the Project Site. The summary of the prehistoric context presented in the Draft EIR was put forward as a good faith effort to publicly disclose that the Native American archaeological record within southern California begins thousands of years ago, and that scholars subdivided this record to characterize changes represented within various periods. In this regard, by summarizing the Native American history for the region, both the Archaeological Resources

Archaeology and History of the Ballona in Los Angeles, California. Series Editors Donn R. Grenda, Richard Ciolek-Torello, and Jeffrey H. Altschul Statistical Research Inc. Technical Series 94. Redlands, California; Moratto, Michael. 1984. *California Archaeology*. Academic Press, Inc., New York; Wallace, William. 1955. Suggested Chronology for Southern California Coastal Archaeology. *Southwestern Journal of Anthropology* 11:214–230.

<sup>7</sup> Byrd and Raab.

and Tribal Cultural Resources sections of the Draft EIR provide an adequate means of characterizing the existing conditions and informing the impact analysis.

## 2) Records Search—Radius and Contents

The radius used to conduct a CHRIS records search is not specified in any regulations or guidance documents published by the City or County of Los Angeles, California Office of Historic Preservation, Secretary of the Interior, or National Park Service. The Society for California Archaeology's *Fieldwork and Reporting Guidelines for Cultural Resources*<sup>8</sup> recommends using a 0.5-mile records search radius and reducing the radius to a 0.25-mile radius in areas of high density. A radius of 1 mile or more is often used where a larger sample is warranted or specifically required by offices of federal or state agencies. For example, the Nevada State Office of the Bureau of Land Management<sup>9</sup>, who requires a minimum records search radius of 1 mile when conducting cultural resource inventories on federal lands. Otherwise, where the records search radius is specified in guidance documents, the decision is left to the discretion of the archaeological investigator who considers the research or planning goals, as well as the scale and complexity of a given undertaking. Thus, a records search radius of 0.5-miles is entirely consistent with these industry standards for an assessment of archaeological and tribal cultural resources. For projects within the urbanized parts of the Los Angeles Basin that are similar in size and scope to the TVC 2050 Project Site, a radius of 0.5 miles may be the most widely used by professional archaeologists, with 0.25 miles and 1 mile being the most common alternatives. The results obtained from the records search radius provide further justification for the adequacy of the 0.5-mile radius used for the *Tribal Cultural Resources Report* and Draft EIR, which is discussed further below. Whereas a radius of 10-miles is substantially inconsistent with industry standards, disproportionate to the scale of the Project Site, and unnecessary to adequately characterize the existing conditions given the availability of data obtained from a search using a 0.5-mile radius.

Regarding the results of the CHRIS search that were obtained using a 0.5-mile radius, the materials provided to Dudek by the SCCIC included confidential archaeological site data, particularly the record for CA-LAN-3045H, but also several cultural resource studies that involved portions of the Project Site (e.g., LA-10507). These specific results are discussed on page IV.B-33 of Section IV.B, Cultural Resources, of the Draft EIR. Several studies were also identified in the CHRIS that provided information relevant to the Project Site although they were near but not directly within the footprint of the Project Site, and includes the following three reports: *Evaluation of the Archaeological Resources and Potential Impact of Proposed Pan Pacific Park* (LA-00128); *The Grove at Farmers Market project: Archaeological and Paleontological Monitoring Report for Phase I of The Grove at Farmers Market (CA-LAN-3045H), Los Angeles, Los Angeles County, California* (LA-07363), and; *Final Archaeological and Paleontological Monitoring Report for The Grove at Farmers Market, The Farmers Market Expansion Project, and the Gilmore Adobe Landscaping Project, Los Angeles, Los Angeles County, California* (LA-07368). The first of these was summarized in the *Tribal Cultural Resources Report* and Section IV.B, Cultural Resources, of the Draft EIR, because the study area was mapped within a portion of the Project Site, although the majority was focused on the footprint of the Pan Pacific Park, which is east of the Project Site. The latter two reports describe the results of the archaeological monitoring efforts associated with the recording of CA-LAN-3045H, which occurred in the early 2000s by Cogstone during construction of the commercial development known as The Grove at Farmers Market to the south of the Project Site.

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<sup>8</sup> Available at [https://scahome.org/wp-content/uploads/2020/04/Fieldwork-and-Reporting-Guidelines-For-Cultural-Resources\\_28Apr2020.pdf](https://scahome.org/wp-content/uploads/2020/04/Fieldwork-and-Reporting-Guidelines-For-Cultural-Resources_28Apr2020.pdf).

<sup>9</sup> Published in the *Guidelines and Standards for Archaeological Inventory, 6th Edition*. Available at: [https://www.blm.gov/sites/default/files/documents/files/Library\\_Nevada\\_GuidelinesandStandardsArchaeologicalInventorySixthEdition\\_1.pdf](https://www.blm.gov/sites/default/files/documents/files/Library_Nevada_GuidelinesandStandardsArchaeologicalInventorySixthEdition_1.pdf).

Regarding the copies of reports that were not available at the time of the CHRIS search, of the 37 reports identified in the CHRIS search, copies of four studies (LA-01939, LA-04558, LA-06442, and LA-11473) were not provided. The staff at the SCCIC stated that the reports were not already digitized and their staff could not access the paper records because of COVID-19 restrictions in place at the time, as stated in the Draft EIR and tribal cultural resources report. These access constraints applied to any party who requested the CHRIS search, including public agencies. Even without the copies of the report being available at the time, the information obtained from the CHRIS search—bibliographic information of all studies, site records, and full-length copies of other studies—provided a reasonable indication that the reports were unlikely to provide substantially new information beyond what was already available.

Of the four studies for which only bibliographic references were available, LA-04558 and LA-11473 did not explicitly address archaeological or tribal cultural resources because they were conducted for projects that did not involve ground disturbances, and instead were focused on assessing above-grade historic resources. For the other two reports that were not available (LA-01939 and LA-06442), both had been previously reviewed or otherwise referenced in the studies by Cogstone that were already obtained. LA-06442 was prepared by Greenwood and Associates and presented the results from an earlier phase of work for the same project reported by Cogstone. LA-01939 is listed as part of a draft EIR prepared in 1988, which was also mapped in the same study area reported on by Cogstone.

To clearly demonstrate that the analysis did not exclude any substantial information presented in these reports, copies of the four studies were obtained while preparing this memorandum. The Greenwood and Associates report (LA-06442) includes more detailed information on the archaeological components of CA-LAN-3045H, but their work preceded that of Cogstone who had largely accounted for the prior work at the site and offered a more recent update to the site. The other three reports were confirmed as having no information relevant to a review of archaeological or tribal cultural resources. Assessment of these reports confirmed the prior assessment that none of the information presented in these four reports altered the conclusions of the original findings or omitted meaningful information not otherwise presented in the Draft EIR or technical studies.

### 3) *Historical Archaeological Resources*

Among the above-described sources, there was no evidence identified for a tribal cultural resource, which includes significant Native American archaeological resources and/or specific resources identified by California Native American tribes through the process of AB 52. The presence of CA-LAN-3045H, a historical archaeological site,<sup>10</sup> was indicated as part of the CHRIS search. A summary of the site was included in the *Tribal Cultural Resources Report* and pages IV.B-34 and IV.B-57 of Section IV.B, Cultural Resources, of the Draft EIR. CA-LAN-3045H was recorded to the south of the Project Site and consists of several archaeological features and artifacts as well as the Gilmore Adobe building (constructed around 1852) and elements of The Original Farmers Market.<sup>11</sup> The archaeological components represented a wide date range from the early nineteenth century to the 1970s and include associations with the historical residential uses of the Gilmore Adobe, The Original Farmers Market, oil drilling, and dairy farming. Historical activities within the site's boundary include the use as a dairy until 1904, at which point it began to be used for oil drilling and refining. The Original Farmers Market was

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<sup>10</sup> Historical archaeological sites or resources refer to archaeological sites that are not affiliated with Native Americans and are historic-in-age, i.e., 45 years old or more, which are sometimes referred to as Historic-period archaeological sites. These should not be confused with historical resources as defined under CEQA, or historic-in-age buildings, structures, and objects that may be referenced as historic resources (see above, Footnote 4). Native American archaeological sites or artifacts may also be a tribal cultural resource. Some Native American archaeological sites also be historic-in-age but for purposes of simplicity, this memo defines historical archaeological sites as not having any Native American affiliation.

<sup>11</sup> The Gilmore Adobe and The Original Farmers Market are collectively designated as City of Los Angeles Historic-Cultural Monument No. 543.

established in 1934 and became the primary use within this part of the Gilmore's property. The artifacts and features from CA-LAN-3045H were identified as isolated items and in concentrations. Materials were recorded in the original locations but were also recovered from spoils piles, in which cases their provenience was generalized to the entire site. Cogstone's reports do not expressly state that a formal process was followed for evaluating the significance of the discovered artifacts and features under CEQA.

The archaeological components of CA-LAN-3045H were observed to depths of approximately 4 feet below-grade. Both the archaeological and historical built-environment components were recorded within a boundary measuring 2,200 feet (670 meters) by 1,200 feet (365 meters), which is approximated by Fairfax Avenue to the west, The Grove Drive to the east, and 3rd Street to the south; the southern boundary of the Project Site is the approximate northern boundary of the CA-LAN-3045H. A substantial portion of the archaeological components recorded within CA-LAN-3045H was found to have been associated with activities specific to this southern portion of the Gilmore's property. This includes the previously mentioned historical land uses: residential activities centered on the Gilmore Adobe building; operation of the oil well and refining facilities previously located along 3rd Street, near the present-day intersection with The Grove Drive; infrastructure and refuse from the employee housing established to the south of the primary residence; and The Original Farmers Market buildings and structures in the southwestern portion of the property at the intersection of 3rd Street and Fairfax Avenue. In other words, the substantial portions of the archaeological assemblage recorded in CA-LAN-3045H were found in the same locations where these various types of activities were described as having occurred. For example, abandoned oil wells that were backfilled with refuse were found in the location of the oil well documented in archival documents, maps, and aerial photos. Debris associated with The Original Farmers Market, employee housing, and the previous residential occupation of the Gilmore Adobe were found near the original locations of those buildings and structures.

Most of the buildings and structures and use-areas associated with the operation of the farm and historical residential use of the Gilmore Adobe appear to have been concentrated outside of the Project Site to the south, with only small portions overlapping into the southernmost portions of the Project Site. Only the southernmost (central and west) portions of the Project Site appear to have been more intensively used during the operation of the dairy farm. Otherwise, most of the Project Site was used as open pasture before being developed in 1934 with Gilmore Stadium, followed by Gilmore Field, and smaller commercial developments including restaurants, a miniature golf course, and gas station, each of which were then replaced by the studio buildings or parking lots for Television City, beginning in the early 1950s.

Cogstone's analysis discusses that a portion of the archaeological assemblage could not be tied to specific activities, historical land uses, or time periods. This was due to the materials being recovered in isolation or in spoils piles, and because they lacked any diagnostic features from having been made of a generic material or heavily fragmented. The recorders noted that the historical refuse from multiple time periods were intermixed with each other and items that were not historic-in-age. These factors typically indicate a lack of integrity necessary to convey the historical significance of an archaeological resource. Again, Cogstone's field methods did not include a formal process by which discoveries were evaluated according to California Register criteria and assessed for integrity, and the subsequent reports do not provide an explicit evaluation of CA-LAN-3045H as a historical resource, nor do they expressly state whether the individual artifacts or features discovered contributed to the significance of the site, which was otherwise established on the basis of the Gilmore Adobe and The Original Farmers Market. Nonetheless, the portions described as fragmentary, found in isolation and spoils piles, or lacking diagnostic features, would generally not be considered as components that contributed to the significance of the CA-LAN-3045H. While some of the specific components recorded in CA-LAN-3045H are not necessarily also likely to occur within the Project Site, the historical themes and material components referenced in the summary of CA-LAN-3045H constitute a substantial element of the overall historical context for the

Project Site, and also provide a reliable indicator of the type of historical refuse scatters that could be reasonably inferred to be present within the Project Site, as was indicated in the Draft EIR.

As mentioned above, isolated and fragmentary pieces of historical refuse typically lack the integrity needed to convey their historical significance under CEQA. For a historical refuse deposit, evaluation for listing on the California Register is typically found under Criterion 4, but significance can also be found eligible under Criteria 1 and 2 where the archaeological materials can be correlated with a historically significant event or person. Arthur Gilmore (1850–1918) is recognized as having local historical significance, and the industrial and commercial enterprises pursued with his son E.B. Gilmore (1887–1964) are noted as having been important to broad cultural, political, economic, or social history. Similarly, sporting and recreational events that took place at Gilmore Stadium and Gilmore Field could be considered as having local significance. However, in both cases, establishing the significance under Criteria 1 or 2 would depend on the nature of the materials being considered, and may require supplemental research to make a specific historical association more explicit. The nature of historical archaeological refuse scatters or features such as building foundations is such that they are not commonly found eligible for the CRHR under Criterion 3, i.e., refuse scatters and buildings foundations do not typically convey any distinctive characteristics in type, period, region, or method, and they are not the focus of masterful design or artistry.

Determining the integrity and the extent (horizontal and vertical) of the archaeological remains is an important component of CRHR eligibility evaluation. Information on the horizontal distribution and vertical depth of the cultural material provides baseline data about the site (e.g., size, presence or absence of subsurface components, discrete activity areas) that contribute to a determination of the site's integrity. For an archeological site to be considered CRHR eligible, it must be considered significant under the CRHR criteria for evaluation and possess the quality of integrity (location, design, setting, materials, workmanship, feeling, and association). The integrity of an archeological site, particularly the elements of location, setting, and association, can be seriously impacted by disturbance due to natural or cultural transformations.

The results of the *Geotechnical Investigation* are discussed on pages 29 and 30 of Dudek's *Tribal Cultural Resources Report*. In reviewing the sediment profiles from the 20 bores sampled across the Project Site, two (B8 and B12) are noted as having contained some brick, tile, wood, rock, and asphalt fragments within a stratum designated as fill soils. This could indicate the presence of a historical archaeological resource within the Project Site, but particularly as back-fill within a former stream channel running along the western portion of the Project Site, which is mentioned in the *Geotechnical Investigation* and *Tribal Cultural Resources Report*. Based on these considerations, isolated pieces of refuse, including but not limited to construction materials of the type described in Bores B8 and B12, are unlikely to be significant because they lack the integrity necessary to convey associations with specific historical events or people, or possess the informational potential needed to contribute to our understanding of the history at the local, regional, state, or national level.

To address potential impacts to previously undiscovered archaeological resources, Mitigation Measure CUL-MM-1, was put forward in the Draft EIR. Mitigation Measure CUL-MM-1 requires retaining a qualified archaeologist, preparing and implementing a Cultural Resource Monitoring and Treatment Plan, which includes providing worker training and monitoring ground disturbances. The measure, while sufficient to meet CEQA compliance, is now refined to further detail the process which will ensure that any archaeological discoveries are evaluated and treated in accordance with applicable regulations and following professional standards, thereby further ensuring no significant impacts to archaeological resources of any type will occur during construction of the Project.

#### 4) Pedestrian Survey

Pedestrian survey for archaeological resources refers to the act of archaeologists walking over an area at regularly spaced intervals and looking for any resources visible on the surface. A pedestrian survey can also help to visually confirm the physical setting of a study area that is otherwise based on aerial and ground photographs, and other sources. In circumstances where the area being surveyed is paved or otherwise obscured to such a degree that the surface cannot be visually inspected (e.g., because of dense vegetation), then a pedestrian survey is typically omitted because it would be ineffective and other methods are used to describe the setting and characterize the existing conditions in terms of determining if a resource is present.

The Project Site is almost entirely paved, the exceptions are limited to planters constructed in medians between other hardscaping elements. In general, planters are typically composed of imported sediments that are unlikely to contain archaeological resources in the first place, and the planters in the Project Site have relatively limited surface visibility, making them even less likely to contain meaningful information. Both these factors are strong indicators that planters are not considered to be a reliable indicator for archaeological resources. Given that the remaining portions of the Project Site are paved or developed with buildings, structures, and hardscaping elements, conducting a pedestrian survey would be ineffective for identifying any archaeological or tribal cultural resources because they would not be visible. Conducting a pedestrian survey as a means of helping to confirm the environmental setting and general condition of the Project Site was also unnecessary given the availability of photographs taken during the pedestrian surveys conducted for the historic resources inventory and the Phase I ESA. Accordingly, the omission of a pedestrian survey for the Project is consistent with standard industry practices for assessing archaeological or tribal cultural resources in an urban setting, and there is no reason to suspect that conducting one would be effective in determining the presence or absence of a resource. Therefore, we conclude that given the lack of exposed ground surfaces and availability of information on the existing conditions for the Project Site, the pedestrian survey is not needed and the omission of this in preparing the *Tribal Cultural Resources Report* and Draft EIR does not render the analysis inadequate.

#### 5) Geoarchaeological Study

Archaeological resources and tribal cultural resources that are archaeological in nature often include components that are underground, the study of which is typically referred to as geoarchaeology. Broadly defined, a geoarchaeological study considers archaeological evidence in relationship to geological and environmental data such as sediment type (also referred to as soil), stratigraphy, geomorphology, and topographic setting. A geoarchaeological study may be conducted to answer several different types of research topics, but the most pertinent application in an environmental review under CEQA is assessing the potential for a buried resource within a given project site. Analyzing the potential for a buried resource is also referred to as preservation potential, sensitivity analysis, sensitivity assessment, or buried site assessment.

From a regulatory perspective, there are no standard terms and defined methods specific to conducting a geoarchaeological study or analysis of buried site potential. Rather, this is assessed under CEQA as part of the existing environmental conditions. The archaeological resources section of the City's *L.A. CEQA Thresholds Guide (Thresholds Guide)*, published in 2006, evaluates the screening criteria used to assist identifying the presence or "potential presence" of archaeological resources as part of the initial study screening process. Potential presence is interpreted to mean buried resources that may be present but have not been confirmed archaeologically. The *Thresholds Guide* recognizes that "sufficient information or research" may not be initially available to determine the presence or absence of archaeological resources, in which case the following series of considerations are given to assist in making the determination:

- Presence of elements or features that are historically or culturally important to a significant earlier community.
- Features of the area that would create a favorable environment for prehistoric or historical use, such as:
  - A water source, travel corridor, native plants or animals, or sources of rock for construction making tools, or artwork; or
  - Location in an area with unusual views, a defensive position or other values for ceremonial, ritual or astronomical observances.

Evaluate the degree of disturbance to the project site. Consider if the site has been vacant or covered by surfaces that required little or no excavation or grading, such that there has been little surface or subsurface disturbance (sites from which native topsoil has been removed, such as landfills, are unlikely to retain archaeological resource potential).<sup>12</sup>

These considerations include the same essential elements included in a geoarchaeological study or buried site analysis. Therefore, the topics listed in the *Thresholds Guide* provide a reasonable basis on which to assess whether a study has adequately considered the potential for a buried resource, otherwise known as a geoarchaeological study. The *Thresholds Guide* also reinforces that the availability of existing information and research should be considered at various stages in the analysis.

The potential for a buried archaeological resource was assessed for the Project Site using a variety of sources that includes historical maps and aerial photographs, confidential and detailed archaeological information from nearby sites identified in the CHRIS search, and data on the subsurface conditions within the Project Site presented in the *Geotechnical Investigation*—specifically, sediment profiles constructed from bores drilled in samples locations across the Project Site. The preceding section details how the historical archaeological resources were accounted for in the description of existing conditions and impact analysis presented in Section IV.B, Cultural Resources, of the Draft EIR. The analysis of tribal cultural resources was provided in the *Tribal Cultural Resources Report*. Collectively, these sources considered the presence of historical and culturally important features, whether there were features that may have created a favorable environment for past populations, and an evaluation of disturbances to site. Specifically, the available information provided substantial evidence supporting the conclusion that there was potential to contain historical archaeological resources—in particular those similar in nature to what was recorded as CA-LAN-3045H—and that the subsurface setting was unlikely to contain tribal cultural resources. This was disclosed on Page IV.B-58 of Section IV.B, Cultural Resources, of the Draft EIR: “...historic-period archaeological resources have been identified in the vicinity of the Project Site. Given that the Project would include excavations to a maximum depth of approximately 45 feet below ground surface, there may be a potential to encounter unknown archaeological resources that could be present at the Project Site.” Thus, the geoarchaeological setting was given adequate consideration and the conclusions regarding the potential for buried sites were disclosed in the Draft EIR.

The information in the above-described sources was relied upon for analysis of archaeological and tribal cultural resources because the Project Site is almost entirely paved and developed with buildings, structures, and various hardscaping elements; the exception to this are medians in some of the parking lots that are used as planters. Further subsurface testing as an attempt to provide further detail on historical archaeological resources is not recommended for several reasons. Firstly, the existing data are sufficient to characterize the existing conditions, support the analysis of potential impacts, and identify feasible means of mitigating potentially significant impacts.

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<sup>12</sup> L.A. *CEQA Thresholds Guide: Your Resource for Preparing CEQA Analyses in Los Angeles*. City of Los Angeles, 2006, pp. D.2-2–D.2-3.



Secondly, further testing to verify the presence or absence of historical archaeological resources otherwise assessed as being likely to be present is infeasible when considering the level of effort required and the comparative benefit of the additional data relative to what is already known about the existing conditions from available information. The process of obtaining enough subsurface samples to confirm resource identification across an area the size of the Project Site would pose an unreasonable constraint in terms of logistical and economic factors associated with conducting the effort on a fully paved site that remains actively used for television production. None of the standard archaeological sampling methods used in urban settings would provide an adequate sample without substantially disrupting the current land uses and incurring an unreasonably high cost for what is likely to provide marginal improvements in the information about the potential for buried deposits. Additional sample units like the bores drilled during for the geotechnical study would be required to expand the sample area. Investigating positive units could require large sections of pavement to be removed to fully define the extent of a discovery and complete the identification and evaluation process. If either of these steps—more sampling and expanded excavation to complete identification—are not completed, and possibly even if they are, the information provided may still not be sufficient to fully confirm the presence or absence of historical archaeological resources within the Project Site. Whereas, conducting this process during the construction phase offers a reasonable and feasible means of confirming whether potential historical archaeological resources are present because the removal of pavement will be coordinated with other on-site activities, and the ground-disturbing work will be confined to specific areas required to complete the Project design.

In short, given the availability of the existing information from multiple data sources, additional sampling is likely to contribute only marginal benefits in our understanding of the archaeological sensitivity and at a relatively high cost, and would be unlikely to change the findings presented in Section IV.B, Cultural Resources, of the Draft EIR, or otherwise considered in this technical memo and responses to Draft EIR comments.

### *Summary*

The existing information provides a reasonable characterization of the existing conditions. The existing information includes the but is not limited to the data obtained from the CHRIS records search, the summary of the cultural setting, and consideration of the potential for buried archaeological and tribal cultural resources. After having considered the available evidence presented in the Draft EIR and technical reports, there have been no new or substantially more significant impacts identified than what was disclosed in the Draft EIR. The need for additional archaeological or geoarchaeological studies is not recommended.

### **Response to Comment No. 26-44**

The commenter states that on-site monitoring during grading, which is stipulated in Mitigation Measure CUL-MM-1, is inadequate where there is a “very high likelihood” for buried resources to be present, whereas the commenter states that this would be appropriate to identify and treat “unanticipated” resources. The commenter asserts that a testing plan should be developed to fully avoid or mitigate the Project’s potential impacts.

Firstly, the assessment of buried resource potential is addressed above in the Response to Comment No. 26-42. This discussion adds further clarifying details to make it clear why the characterization of existing conditions was adequate, which includes but is not limited to identifying the potential for buried archaeological resources and especially those similar in nature to those recorded for CA-LAN-3045H.

Secondly, Mitigation Measure CUL-MM-1, as stated in the Section IV.B, Cultural Resources, of the Draft EIR, includes specific provisions to ensure that any archaeological discoveries are evaluated and treated in accordance with applicable regulations and following professional standards. The measure specifically

refers to “unanticipated” archaeological resources, also referenced as “unknown resources,” but neither of these phrasings negate the statements in the impact analysis recognizing that there is a potential for historical archaeological resources to occur, as suggested by the presence of an archaeological site CA-LAN-3045H. For the Project Site as a whole, it is reasonable to conclude that there may be archaeological materials identified in specific locations that cannot be anticipated, even if there is an overall understanding of the most likely resources likely to occur and a general sense of where they may or may not be located. Conversely, areas designated as having a higher likelihood of containing archaeological resources are anticipated to have areas without any archaeological materials, even though one area may have a higher likelihood compared to another.

The phrasing of “unanticipated” or “unknown” resources is intended to acknowledge that archaeological materials could be present but have as-yet not been confirmed archaeologically. The Response to Comment No. 26-42 addresses why archaeological testing to confirm the presence or absence across the Project Site is impractical and unnecessary, which is firstly because the evidence needed to provide a reasonable characterization of the existing conditions within the Project Site had already been identified, and secondly because the same result could be achieved through implementation of the steps proposed in Mitigation Measure CUL-MM-1 (see Response to Comment No. 26-42, Section 5, Geoarchaeological Study).

By identifying the qualification standards for retaining a qualified archaeologist, specifying the criteria by which the Cultural Resource Monitoring and Treatment Plan shall be prepared, requiring a worker training program, and identifying the timing necessary for each of these steps, implementation of Mitigation Measure CUL-MM-1 provides a reasonable means by which potential impacts to resources will be mitigated: trained specialists will identify any archaeological resources that may be present, evaluate them as a historical resource and unique archaeological resource, and proceed in implementing mitigative treatment measures that either avoid or allow for the recovery of scientifically consequential information, among other potential actions that could be appropriate based on the specific type of resource identified. The step of recording and evaluating identified resources is precisely what is included in the type of “testing plan” noted by the commenter.

When carried out, the steps in Mitigation Measure CUL-MM-1 can reasonably be expected to allow for any archaeological resources that may be present to be confirmed, evaluated, and if necessary, treated when avoidance is not feasible. In so doing, the provisions put forward in Mitigation Measure CUL-MM-1 provide an adequate means of reducing potentially significant impacts to less than significant levels.

#### **Response to Comment No. 26-47**

The commenter directly quotes a sentence from Section IV.B, Cultural Resources, of the Draft EIR, in which the results of the CHRIS records search are summarized. The commenter states that the summary only focuses on CA-LAN-3045H and that the Draft EIR needs to also describe and analyze the other “numerous historical-period resources” identified in the records search results.

The relevance of CA-LAN-3045H to the characterization of existing conditions and how the site provided adequate information to inform the analysis of the potential for impacts is discussed at length in Response to Comment No. 26-42. In brief, the material contents of CA-LAN-3045H, its location and associated historical land-uses, and the circumstances of its discovery during construction monitoring provided important information regarding the existing conditions within the current Project Site. Combining the documentary evidence from CA-LAN-3045H with the other sources of data, including but not limited to the other results from the CHRIS records search, the available information provided sufficient evidence to analyze the potential for impacts to archaeological and tribal cultural resources, and formulate reasonable and feasible means of mitigation.

The reference to “numerous historical-period resources” is cited on page IV.B-34 of Section IV.B, Cultural Resources, of the Draft EIR, which provides a review of the CHRIS records search results based on the contents in the Tribal Cultural Resource Report in Appendix C of the Draft EIR. The section discussing previously recorded resources that were identified in the CHRIS search is given on page 27 of the Tribal Cultural Resource Report. There is a summary table that lists two previously recorded archaeological sites, both composed of materials from the eighteenth and nineteenth centuries, i.e., the historic period. The two sites are CA-LAN-2964H and CA-LAN-3045H. A description of CA-LAN-2964H is provided in the table and the site is noted as being approximately 915 feet away from the Project Site. The location of CA-LAN-2964H plotted on a scaled map that is part of the confidential appendix, which also includes the site forms that contain further confidential information on the detailed contents and location of the site. Specifically, the description of CA-LAN-2964H from page 27 of the Tribal Cultural Resources Report is as follows:

Historic-era Archaeological Site: Park La Brea. Site consists of historic trash scatter comprised of bottles and ceramics dating between the 1910s and 1940s, including a brick-lined structure containing 1930s bottles.

Compared with CA-LAN-3045H, the contents of CA-LAN-2964H were redundant and does not contribute any substantially new information otherwise obtained from the analysis of CA-LAN-3045H. Given that CA-LAN-3045H provides adequate and more precise information on the existing conditions with the Project Site, partly by virtue of being closer proximity, further description of CA-LAN-2964H is unnecessary to include in the summary of CHRIS results and the omission of a detailed discussion in Section IV.B, Cultural Resources, of the Draft EIR is insubstantial where it concerns the characterization of the existing conditions and analysis of the potential for impacts to archaeological resources.

#### **Response to Comment No. 26-E.2-11**

This comment is taken from the SR Letter and states that the standard for an archaeological study prepared under CEQA is the *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format published by the California Office of Historic Preservation*<sup>13</sup> (*ARMR Guidelines*) and that a study meeting this standard was not conducted. The *Tribal Cultural Resources Report* conforms to the *ARMR Guidelines* and was prepared by qualified specialists in a manner consistent with professional archaeological standards. Furthermore, the information obtained by Dudek during preparation of the *Tribal Cultural Resources Report* includes evidence that is relevant to the analysis of both tribal cultural resources and archaeological resources under CEQA.

The *ARMR Guidelines* was published in 1990 before the category of tribal cultural resources was created. Thus, tribal cultural resource studies are not addressed as such, but the contents and format recommendations are still compatible with the analysis of tribal cultural resources. In fact, the preface of the *ARMR Guidelines* makes it clear that only specific portions of the guidelines may be relevant to a given report, and that it is at the discretion of the author to make this determination based upon the scale and complexity of a project. This adaptability is generally consistent with the application of the *ARMR Guidelines* to the preparation of a study focused upon tribal cultural resources. The *Tribal Cultural Resources Report* incorporates the relevant parts of the outline structure recommended in the *ARMR Guidelines*—the proposed Project is clearly introduced, applicable regulations are noted, the environmental and cultural setting are summarized, the methods used to acquire data are defined, the results of the analysis are made clear, management considerations are included, bibliographic information

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<sup>13</sup> Office of Historic Preservation. 1990. *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format published by the California Office of Historic Preservation*. Available <https://ohp.parks.ca.gov/pages/1069/files/armr-remediated.pdf>.

for the sources cited are included, and relevant appendices (e.g., staff qualifications, CHRIS and SLF records search results).

Because the *ARMR Guidelines* are intended to address the full range of possible studies, the recommended contents within each of these sections are quite broad and include a substantial amount of detail that is not relevant to the analysis for the current Project. The analysis and information presented within each section of the *Tribal Cultural Resources Report* are consistent with the *ARMR Guidelines*. As mentioned above, the *ARMR Guidelines* clearly indicate that report authors have discretion to exercise professional judgement in determining the appropriate methods and contents for a given study. Notably, the *ARMR Guidelines* do not define qualification standards for report authors, but the standards required by the Office of Historic Preservation to access the CHRIS reference the Secretary of the Interior (SOI) Professional Qualification Standards (PQS) for at least one member of the research team, typically referred to as the principal investigator. The *Tribal Cultural Resources Report* clearly indicates which of the authors meets the SOI PQS, and the co-authors all satisfy qualifications as professional archaeologists in terms of education and experience. Thus, there was an appropriate level of professional judgement and expertise used to determine which parts of the *ARMR Guidelines* were relevant to include in the *Tribal Cultural Resources Report*.

#### **Response to Comment No. 26-E.2-12**

The commenter states that the *Tribal Cultural Resources Report* provides the incorrect date for the introduction of mortars and pestles in the region and misrepresents the Gabrielino burial practices. The commenter also states that *Tribal Cultural Resources Report* omits any meaningful discussion of the Gilmore Adobe (referred to in the comment as the Rancho La Brea Adobe) and the possibility of Native American labor contributing specifically to the Gilmore Adobe and generally within Rancho La Brea. Collectively these concern minor details of the cultural setting or otherwise involve matters of scholarly debate and on-going research.

The cultural setting is intended to provide background information specifically for the purpose of identifying resources that may occur in the Project Site, which does not require an exhaustive account of every detail related to the Native American archaeological record and Gabrielino ethnography. These two topics each reflect one aspect from their respective time periods, which are themselves two time periods among others discussed in the cultural setting. In this regard alone, the two topics are considered minor details when viewed against the entire cultural setting presented in the *Tribal Cultural Resources Report*.

Where the specific subject matter is concerned, both topics also involve matters of scholarly debate. The *Tribal Cultural Resources Report* mentions the use of mortars and pestles in the summary of the Late Prehistoric Period (A.D. 500–1769). Dudek states on page 15 that “[t]he appearance of mortars and pestles is difficult to place in time,” and that scholars have argued that the reliance on acorns in the Native American diet goes back as far as A.D. 500 while others have not found substantial evidence for reliance on acorns and the accompanying use of mortars and pestles until A.D. 1400. After mentioning these two perspectives on the topic, Dudek then notes that conclusions on the subject are tenuous because the archaeological record is incomplete. The *Tribal Cultural Resources Report* provides citations from scholarly works and concludes by stating that the resolution on the topic remains on-going.

The example of mortars and pestles as inaccuracies in the *Tribal Cultural Resources Report* is based upon Comment No. 26-E.2-91, which states the following: “One hallmark of the Intermediate period is the introduction of the mortar and pestle.” The Intermediate Period is a term used in other typological classification systems and covers the time from approximately 1000 B.C. to A.D. 500. In the chronological typology presented in the *Tribal Cultural Resources Report*, the Intermediate Period is part of the Archaic Period (8000 B.C. to A.D. 500, which is the period that precedes the Late Prehistoric Period. To summarize, the *Tribal Cultural Resources Report* discusses the introduction of mortars and

pestles in the Late Prehistoric Period and states that the appearance is difficult to place in time, which the second commenter refers to as an inaccuracy because there are some chronologies that place the origin in the preceding period. Therefore, referring to this discrepancy as an inaccuracy is a mischaracterization, firstly because the topic is clearly presented as a matter of on-going research and scholarly debate, and secondly because the difference is exaggerated by differences in the typological sequence used to present the information. Discussing the topic as part of the Archaic Period or using the alternative typology would not substantially change the description of existing conditions or analysis of the potential for impacts to archaeological or tribal cultural resources.

The topic of Gabrielino burial practices—specifically, the prevalence of inhumations rather than cremations and how this may have changed over time and vary between mainland and Channel Islands—also involves matters of on-going scholarly research and our understanding of this has changed over time. The sources cited in the *Tribal Cultural Resources Report* on this topic are considered reputable sources and the characterization of Gabrielino burial practices accurately reflects the information presented in those references. If there are data supporting an alternative model of Gabrielino burial practices, including those drawing from archaeological research at Gusapet, CA-LAN-47, and CA-LAN-2682 (Arco site), then it does not necessarily follow that the model presented in the *Tribal Cultural Resources Report* is a misrepresentation, only that there are different views on the subject. Again, while the subject matter is important to researchers investigating in this aspect of Gabrielino lifeways, this is one detail among many discussed in the *Tribal Cultural Resources Report*, and as such is a minor detail in the context of analysis.

Regarding the Gilmore Adobe and its relevance to the assessment of archaeological resources, Response to Comment No. 26-42 addresses how land uses from the eighteenth twentieth century were accounted for in the description of existing conditions, which informed the analysis of potential impacts to archaeological resources. Firstly, the Gilmore Adobe is not located within the Project Site. Any relevance to the Project Site would be related to activities that occurred in association with its construction or use that happened to have occurred in the portion of the property to the north of the building, most of which was used as pasture. Secondly, there has never been any evidence identified that indicates Native Americans played a role in constructing the Gilmore Adobe or conducting any associated activities that were carried out within the Project Site during or after Spanish colonization that would be likely to have produced physical evidence identifiable as a tribal cultural resource. Further analysis is unwarranted and additional information would only constitute a minor detail specifically regarding the analysis of tribal cultural resources.

The topic of Native American labor during Spanish colonization and periods of Mexican and American governance has been receiving increased attention in academic research, including work by Indigenous scholars and historians. This research highlights how critical Native American labor was to the development and maintenance of missions and ranchos and the infrastructure required to sustain them. This includes critical forms of skilled labor in addition to more conventional manual labor. Greater attention is also being given the more subtle cultural dynamics that consider Native American labor as expressions of adaptation and agency. While this is important to consider in our understanding of the history during and after Spanish colonization, there has not been any direct connection identified that suggests the development of the Gilmore Adobe was substantially supported by Native American labor. This is not to imply that such a connection may not exist, but given the lack of any prior connection previously discussed by reports that were focused exclusively on the building and its activities, there is no reason that further research would need to be conducted to provide an adequate characterization of the existing conditions or potential for impacts to tribal cultural resources within the Project Site.

#### **Response to Comment No. 26-E.2-14**

The commenter states that no tribal outreach was done to some of the Native American tribes included on the NAHC's contact list returned with the SLF (NAHC Contact List) who were not contacted as part of the government-to-government consultation conducted by the City under AB 52. Lovina Redner of the Santa Rosa Band of Mission Indians was the only individual or tribal organization on the NAHC Contact List who was not contacted. As a tribal organization affiliated with the Cahuilla, the ancestral territory of the Santa Rosa Band of Mission Indians is located more than 50 miles to the east, within parts of what are now Riverside, San Bernardino, San Diego, and Imperial Counties. Whereas the Project Site is within the Gabrielino ancestral territory and the western part of what is now Los Angeles County. There is overlap in the areas where ancestral territories met, but even when this is accounted for, the Project Site is not near enough to the Cahuilla to suggest that they are likely to contribute substantial information not already considered.

#### **Response to Comment No. 26-E.2-15**

The commenter states that several topics were not sufficiently analyzed in the Draft EIR and *Tribal Cultural Resources Report* and includes the following: the potential for buried archaeological deposits, generally as a geoarchaeological study, and Gilmore Field in particular; soils data from bore logs published in the *Geotechnical Investigation*; and a former stream in terms of its influence on Native American settlement patterns. This comment is from the SRI Letter, but substantial portions of the topics are addressed above in Response to Comment No. 26-42, which was based upon the information presented in the SRI Letter. The sections discussing historical archaeological resources and geoarchaeological study in Response to Comment No. 26-42 are especially relevant to these topics and the following provides further detail to address more specific technical information stated in the SRI Letter.

As addressed in the Response to Comment No. 26-42, the existing body of evidence adequately characterizes the existing conditions within the Project Site and provides a reasonable means of identifying mitigation measures capable of reducing or avoiding potentially significant impacts, including those that could be associated with Gilmore Field.

Regarding the interpretation of sediment profiles and soils presented in the *Geotechnical Investigation*, the commenter notes that the sediment profiles describe "dark-gray to black or dark-brown to black sediments present immediately below the fill," and goes on to state that "[d]ark sediments can sometime indicate the presence of anthrosols or other soils with potential for containing cultural resources." The results of the *Geotechnical Investigation* are discussed on pages 29 and 30 of Dudek's *Tribal Cultural Resources Report*, and they identify these soils as being among the "native soils," meaning formed through natural depositional processes, as opposed to "artificial fill soils" that are formed as the results of mechanical alteration.

As the commenter notes, darker sediments *may be* an indicator of human activity, for example from using fire, but this is an exceptional circumstance and more often darker coloring throughout a sedimentary stratum is the result of natural processes in which a higher proportion of organic materials happened to have been present, which may include naturally occurring asphaltum. Notably, there are darker sediments observed as shallow as 3 feet and as deep as 70 feet. Most of the deeper sediments observed within the Project Site are more likely to contain fossils that pre-date the presence of humans in North America than they are likely to contain archaeological materials.

The likelihood of archaeological materials being preserved within the darker sediments nearer the surface cannot be fully ruled out, but the probability is very low, especially after considering the repeated construction and demolition events that have substantially altered the near surface and destroyed or

otherwise compromised the spatial integrity of any resources that may have once been present. This is further supported by the lack of any Native American archaeological finds being identified during monitoring by Cogstone and Greenwood and Associates during development of The Grove at Farmers Market in the parcels to the south of the Project Site.

This conclusion also applies to the former stream course originally described in the *Geotechnical Investigation* and noted in the *Tribal Cultural Resources Report*. Given that no Native American components were found during the recording of CA-LAN-3045H, this suggests that whatever correlation there was between Native American settlement patterns and former stream courses, this did not result in the preservation of any physical remains that could be identified.

After having considered all sources of evidence, including review of the subsurface exploratory boring investigations, Dudek concluded that subsurface soils are unlikely to support intact tribal cultural resources. This conclusion is further supported by the supplemental review conducted while preparing this memo, which finds that the *Tribal Cultural Resources Report* adequately considered the existing conditions and accounted for potential buried resources within subsurface soils described in the *Geotechnical Investigation*.

#### **Response to Comment No. 26-E.2-33**

The commenter states that Section IV.B, Cultural Resources, of the Draft EIR omits any justification for why impacts related to human remains were scoped out in the Initial Study. There has been no evidence identified indicating the Project Site was ever used as a formal or informal cemetery, nor has there been any evidence identified to suggest there is high probability that human remains interred outside of a formal cemetery are likely to occur, which includes the potential for Native American human remains. The NAHC's SLF includes known graves and cemeteries of Native Americans on private lands and the search conducted for the Project Site was negative. In terms of the potential for Native American human remains that have not been previously identified, the tribal cultural resource report did not find any evidence to suggest that there is an increased likelihood of occurrence within the Project Site. None of the documentation of historical land uses related to the nineteenth and twentieth century land uses provided any indication that the Project Site was ever part of a formal or informal cemetery. On the contrary, the mechanical alterations that have occurred within the Project Site support the conclusion that there is a low probability of human remains interred outside of a formal cemetery being preserved.

The discovery of human remains, including those that are Native American, are addressed by Section 7050.5 of the Health and Safety Code, PRC Section 5097.98, and CEQA Guidelines Section 15064.5(e). These regulations define a notification process involving the County Coroner, NAHC, and Most Likely Descendant, and stipulate that the discovery shall be avoided until the process is completed. Because there is a low potential for human remains to be encountered in the Project Site, complying with existing regulations ensures any potential human remains are treated appropriately. No additional mitigation measures are necessary to avoid or reduce potentially significant impacts in the unlikely event that any are discovered during the Project, which is the conclusion presented in the Initial Study and further supported by the findings in the *Tribal Cultural Resources Report*.

#### **Response to Comment No. 26-E.2-57**

The commenter states that research from a Gabrielino (referred to as Tongva in the comment) settlement known as Guaspel provides better documentation of the history and archaeology for the Gabrielino than the settlement of Yaanga (spelled Yangna in the comment). The commenter also states that the Section IV.L, Tribal Cultural Resources, of the Draft EIR does not discuss Native American land use or expected types of archaeological resources. A discussion of Guaspel would add to the background information already presented, which includes the reference to Yaangna, but the omission does not make the

background information deficient as a means of conveying that significant Gabrielino sites and settlements have been documented in the Los Angeles Basin. While certain sites and settlements were elaborated upon in the *Tribal Cultural Resources Report* in Appendix C of the Draft EIR, and the City of Los Angeles Ethnographic Overview subsection in Section IV.L, Tribal Cultural Resources, of the Draft EIR, Guaspet and many of the other settlements in the region are represented in the map on page 41 in the *Tribal Cultural Resources Report*. The background information presented in Section IV.L, Tribal Cultural Resources, of the Draft EIR, provides a reasonable characterization of the Gabrielino cultural history for the Los Angeles Basin for purposes of analyzing tribal cultural resources under CEQA.

#### **Response to Comment No. 26-E.2-99**

The commenter states that the ethnographic overview section of the *Tribal Cultural Resources Report* does not cite Playa Vista and that the report should include a comprehensive analysis of ethnographic information for the Los Angeles area. The first section of the Response to Comment No. 26-42 describes the approach used to summarize the Native American archaeological record as part of the cultural setting and baseline existing conditions. The cultural setting relied on a regional focus that was supplemented with localized data collected in parcels located adjacent to the Project Site—to the south within the site designated as CA-LAN-3045H. The Native American archaeological sites recorded in the Playa Vista neighborhood to the southwest of the Project Site has contributed important information to our understanding of cultural patterns within the region, but giving a detailed account would only further reinforce the conclusions already reached using existing information, or otherwise characterized in the sections discussing the cultural setting. An inventory of what archaeological data from these sites and their specific influence on regional patterns would not result in any new or substantially more significant impacts than what were disclosed in the Section IV.L, Tribal Cultural Resources, of the Draft EIR and considered in the tribal cultural resources report in Appendix C of the Draft EIR.

#### **Response to Comment No. 26-E.2-101**

The commenter states that in the description of the archaeological site recorded at the La Brea Tar Pits (CA-LAN-159), the *Tribal Cultural Resources Report* does not mention the Native American “burial” recorded at the site. The *Tribal Cultural Resources Report* repeatedly mentions the La Brea Tar Pits in terms of having been a source for natural resources that were important to Native Americans, and in the context of its proximity as a variable being considered in the analysis of the Project Site. The remains of a Native American ancestor were recovered from the La Brea Tar Pits in the 1910s. Based on the results of recent radiocarbon dates, the remains provided direct evidence that Native Americans were present in the Los Angeles Basin and Southern California during at least the last 10,000 years.<sup>14</sup> An overview of the Native American archaeological record for this approximate time is provided in the *Tribal Cultural Resources Report* under the sections discussing the Paleoindian and Archaic Periods, which mentions other burials that have been identified in Southern California. In so doing, the analysis in the *Tribal Cultural Resources Report* recognizes that Native American ancestral remains of great antiquity exist throughout the region. Furthermore, by repeatedly mentioning the existence of the La Brea Tar Pits, the *Tribal Cultural Resources Report* adequately considers the potential influence for tribal cultural resources within the Project Site, which includes but is not limited to the ancestral remains and other types of Native American objects designated as CA-LAN-159. Therefore, a detailed inventory of the Native American components recorded at the La Brea Tar Pits would only supplement what is already a

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<sup>14</sup> Fuller, Benjamin T., John R. Southon, Simon M. Fahrni, John M. Harris, Asling B. Farrell, Gary T. Takeuchi, Olaf Nehlich, Michael P. Richards, Eric J. Guiry, and R. E. Taylor. 2016. Tar Trap: No Evidence of Domestic Dog Burial with “La Brea Woman.” *PaleoAmerica* DOI: 10.1779/2055557115Y.0000000011.



reasonable characterization of the existing conditions for the Project Site, but this is not directly relevant to the analysis of impacts of the proposed Project on tribal cultural resources.

#### **Response to Comment No. 26-E.2-103**

The commenter states that the *Tribal Cultural Resources Report* does not provide a comprehensive analysis of Mission San Gabriel Mission. Mission San Gabriel is mentioned in the *Tribal Cultural Resources Report* in the discussion of Gabrielino history in the Ethnographic Overview section and in the overview of Spanish-Period history. Specifically, the report notes the connection between the name of the Mission and the one used for the indigenous population (Gabrielino), the year in which the Mission was founded, and that members of Yannga were baptized here. Other contextual information is provided on the Spanish mission system and the complex relationship that existed with the indigenous communities. This level of detail is sufficient to establish that Mission San Gabriel is an important part of the cultural setting and has been considered as part of the existing conditions for the Project Site. Mission San Gabriel is not located within a reasonable distance to the Project Site to suggest that its geographic proximity would have anything more than an indirect influence on the potential for archaeological or tribal cultural resources to occur within the Project Site. Therefore, a comprehensive analysis of Mission San Gabriel is unwarranted and is only indirectly related to the analysis of the potential for impacts to archaeological and tribal cultural resources.

#### **Response to Comment No. 26-E.2-105**

The commenter states that further research is needed on the Gilmore Adobe because a 1996 report assessing damage from the Northridge earthquake mentions a possible construction date of 1828, whereas the *Tribal Cultural Resources Report* states the Gilmore Adobe was constructed in 1852. Firstly, regarding the analysis of the Project Site and the relevance of the Gilmore Adobe and associated activities south of the Project Site, this topic is discussed explicitly in Response to Comment No. 26-E.2-15, and more generally in terms of historic-period land uses in Response to Comment No. 26-42.

Secondly, there are some contradictory reports regarding the construction of the Gilmore Adobe, but the available evidence better supports the conclusion that the building was originally constructed by Thompson around 1852, and is the date listed in the site record for CA-LAN-3045H. The *Tribal Cultural Resources Report* mentions the construction date in the section of the report summarizing the components of CA-LAN-3045H, of which the Gilmore Adobe is one part. As described above, CA-LAN-3045H was recorded during the construction of The Grove at Farmers Market, including project phases that involved remodeling portions of the landscaping around the Gilmore Adobe. This work did not identify evidence for a pre-1850s component in the archaeological assemblage and the historical research conducted on with the Gilmore Adobe only confirmed the 1852 construction date. The pre-1850s construction date is based on early speculations from the 1920s that were repeated in subsequent reports and newspaper articles despite the lack of supporting evidence. Specifically, the 1820s date is based on the association with Antonio Jose Rocha, who was the named party in the Rancho La Brea land grant; however, according to historian Bruce Torrence, it was James Thompson who constructed the Gilmore Adobe building and some corrals around 1852, shortly after he received a five-year lease from Antonio de la Rocha.<sup>15</sup> Torrence notes that Rocha had constructed corrals and a small shack for the herdsmen and that Thompson had been already grazing his cattle on the ranch prior to being deeded the property, leading Torrence to describe Thompson as the first permanent resident in Rancho La Brea.<sup>16</sup> Whereas Antonio Jose Rocha was a resident of the Los Angeles Pueblo and never lived in Rancho La Brea.<sup>17</sup>

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<sup>15</sup> Torrence, Bruce L 1977. *Rancho La Brea*. Manuscript on file, Los Angeles County Public Library, p. 12.

<sup>16</sup> Torrence, pp. 9–10.

<sup>17</sup> Torrence, p. 10.

Thirdly, given that the pertinent information about the Gilmore Adobe and activities from the period of its occupation were described in the *Tribal Cultural Resources Report* and Section IV.B, Cultural Resources, of the Draft EIR, the discussion of alternative interpretations for the Gilmore Adobe construction date is considered a minor detail that does not offer substantively new information on the existing conditions or potential for impacts to archaeological resources.

#### **Response to Comment No. 26-E.2-106**

The commenter notes an inconsistency in the terminology used in *Tribal Cultural Resources Report* and *Geotechnical Investigation*, the former referring to “artificial” fill soils that are described as fill soils in the latter. This information is presented in a section of the *Tribal Cultural Resources Report* explicitly cited as a review of the *Geotechnical Investigation*. In summarizing the results of the subsurface borings results, the *Tribal Cultural Resources Report* characterizes the fill soils as “artificial,” meaning resulting from human activity, to distinguish this stratum from strata composed of naturally deposited sediments, referred to as “native soils.” The texture and color of both soil types are defined, making it clear how the results from the *Geotechnical Investigation* are being incorporated. Thus, the substantive information for subsurface setting was adequately conveyed, and the difference in terminology between the two reports is a minor detail that has no bearing on the conclusions of the analysis for potential impacts to archaeological and tribal cultural resources.

#### **Response to Comment No. 26-E.2-111**

The commenter states that the Tribal Cultural Resources Report should expand the discussion of the historical land uses and incorporate the following distinct historical context sections: Rancho La Brea, Salt Lake Oil Field/La Brea Oil Field/Hancock and Gilmore oil exploration and development, Gilmore Ranch/Adobe, Beverly-Fairfax neighborhood, The Original Farmers Market, Gilmore Stadium/Gilmore Field, commercial development in the project area (gas stations, restaurants, miniature golf course, etc.), and development of Television City. The sources used to assess the historical land uses and influence on the potential for archaeological and tribal cultural resources are discussed in this memo under Section 2. Information Presented in the Draft Environmental Impact Report, and Response to Comment No. 26-42. The above discussion is primarily concerned with addressing how this information was already considered in analysis of archaeological resources, whereas the commenter is specifically stating that a more detailed discussion of these historical context topics should be included in the analysis of tribal cultural resources.

The *Tribal Cultural Resources Report* already includes at least three other places in which historical land uses are considered in the analysis. Firstly, in the discussion of the Environmental Setting and Current Conditions on pages 11 and 12, the report notes the development of Television City in 1952 and that its development has been the predominant land use since its creation. Secondly, in the section describing the CHRIS records search results on pages 23 to 28, Dudek summarizes the previously recorded resources that contained archaeological evidence of the twentieth century historical land uses. Thirdly, on pages 28 and 29, Dudek provides a review of historical maps and aerial photographs. Based on the information presented in the *Tribal Cultural Resources Report*, Dudek found sufficient evidence to support the following conclusion:

The history of past disturbance within and in the vicinity of the Project Site, as reflected by the records searches, review of historical topographic maps and aerial photographs, and the subsurface exploratory boring investigations, suggest that subsurface soils are unlikely to support intact TCRs. (page 43)

For purposes of analyzing the potential for impacts to tribal cultural resources, the *Tribal Cultural Resources Report* includes an adequate level of detail describing the historical context for the Project Site.

Furthermore, after additional review of the sources characterizing historical land uses, there were no new or substantially more significant impacts identified for archaeological beyond what was disclosed in the Draft EIR. Because the only tribal cultural resources that are likely to be identified within the Project Site are archaeological in nature, this further suggests that including more information on the historical land uses in the *Tribal Cultural Resources Report* would also not result in new or substantially more significant impacts being identified.

#### **Response to Comment No. 26-E.2-121**

The commenter states that the *Tribal Cultural Resources Report* should provide an explanation of why a property located at 7800 Beverly Boulevard was described in a 1983 report as being ineligible for listing on the National Register of Historic Places (NRHP). This information was presented in a section of the *Tribal Cultural Resources Report* summarizing prior studies identified in the CHRIS records search. The results identified a 1983 study (Report No. LA-10507) prepared as part of the environmental review of the Los Angeles Rail Rapid Transit Project (Metro Rail Project). The Metro Rail Project proposed to construct a new 18.6-mile subway along a route originating in Union Station, running through downtown and west along the Wilshire Corridor, then turning north along Fairfax Avenue (adjacent to the Project Site) and extending through West Hollywood, ultimately terminating in the San Fernando Valley. Only a fraction of the line was ultimately constructed as the Red Line (now the B Line), which did not include the possible route nearest to the Project Site. The proposed design included several parking structures, including one within what is a parking lot in the northeast portion of the current Project Site at the southeast corner of Fairfax Avenue and Beverly Boulevard. The cultural resources portion of the environmental review for the Metro Rail Project was prepared by Westec Services, Inc. who conducted a pedestrian survey for historic-in-age buildings, and otherwise based their results on a literature review and archival research. As noted in the *Tribal Cultural Resources Report*, in their results, Westec Services references a property located at 7800 Beverly Boulevard, which they note as “CBS Television City Parking Lot.” This is in reference to potential historic resources and not an archaeological or tribal cultural resource. The Project Site, including the buildings that compose Television City, have since been recorded and the Primary Studio Complex has been designated as a historical resource. Discussion of the 1983 results is irrelevant to the analysis of archaeological and tribal cultural resources.

#### **Response to Comment No. 26-E.2-124**

The commenter states that the *Tribal Cultural Resources Report* does not include tax assessor data in its discussion of prior land uses, citing the operation of Gilmore Stadium in 1932 as an example. The Response to Comment No. 26-42 addresses how historical land uses are already incorporated into the description of existing conditions and accounted for in the analysis of potential archaeological resources from the eighteenth and nineteenth centuries. This analysis recognizes the various businesses started by the Gilmore family, including but not limited to the construction and operation of Gilmore Stadium, and acknowledges that there is a potential for historical archaeological resources to occur, especially from this period. Thus, given the substantial information already considered in the both the *Tribal Cultural Resources Report* and Section IV.B, Cultural Resources, of the Draft EIR, further research incorporating tax assessor information would merely add a minor amount of detail to a topic already adequately addressed in terms of the potential for impacts to archaeological resources.

#### **Response to Comment No. 285-2**

The commenter questions how the Project plans to avoid damaging archaeological resources that may be present and what protocol will be followed in the event of a discovery. Response to Comment No. 13-7 addresses how Mitigation Measure CUL-MM-1 ensures that significant archaeological resources will be protected. The measure includes provisions requiring a CRMTP to be prepared before ground-disturbing activities commence and a qualified archaeological monitor to be present during construction. Existing

regulations require that any archaeological discoveries be evaluated for significance and treated if found to be significant. Mitigation Measure CUL-MM-1 requires the CRMTP to be prepared in accordance with the SOI guidelines that describe the standards for archaeological documentation and staff qualifications, thereby ensuring that professional archaeological standards will be followed during any actions taken to comply with Project mitigation and regulatory compliance.