

# IV. Environmental Impact Analysis

---

## K. Tribal Cultural Resources

### 1. Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project, as required by the California Environmental Quality Act (CEQA) as amended by Assembly Bill (AB) 52, as well as the results of the analysis of resources in the Tribal Cultural Resources Assessment Report included as Appendix K of this Draft EIR.<sup>1</sup> The Native American consultation documentation is provided in Appendix K of this Draft EIR.

### 2. Environmental Setting

#### a) Regulatory Framework

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

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

#### (1) State

##### (a) *Assembly Bill 52*

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

---

<sup>1</sup> Tribal Cultural Resources Report for the Fourth & Central Project, ESA, 2023. See Appendix K of this Draft EIR,

tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 20174(b) as a cultural landscape that meets the criteria of subdivision (a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 20174(c) provides that a historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 21080.3.1 requires that, within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern.<sup>2</sup> Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation.<sup>3</sup>

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>4</sup>

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a MND for a project with a significant impact on an identified tribal cultural resource, only if a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or requested a consultation but failed to engage in the consultation process, or the consultation process occurred and was concluded as described above, or if the California Native American tribe did not request consultation within 30 days.<sup>5</sup>

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any

<sup>2</sup> Public Resources Code, Section 21080.3.1(b) and (c).

<sup>3</sup> Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e)

<sup>4</sup> Public Resources Code, Section 21080.3.2(b)

<sup>5</sup> Public Resources Code, Section 21082.3(d)(2) and (3)

other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

Confidentiality does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the Applicant or the Applicant's agents, or are lawfully obtained by the Project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.<sup>6</sup>

(b) *California Public Resources Code*

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

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

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

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical

<sup>6</sup> Public Resources Code, Section 21082.3(c)(2)(B).

feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

(c) *California Penal Code*

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

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

## **b) Existing Conditions**

### **(1) Existing Project Site Conditions**

The Project Site is comprised of three distinct sites fronting Central Avenue. These include the North Site, located at the northeast corner of 4th Street and Central Avenue; the South Site, located south of 4th Street between Central Avenue and Alameda Street; and the West Site, located at the northwestern intersection of Gladys Avenue and Central Avenue. Currently, the Project Site is occupied by cold storage facilities that include warehouse and wholesale commercial buildings and associated office space, truck loading docks, and surface parking. No know tribal resources exist on the Project Site.

### **(2) City of Los Angeles Ethnographic Setting**

The Project Site is located in a region traditionally occupied by the Tatic-speaking Gabrielino Indians. The term “Gabrielino” is a general term that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina.<sup>7</sup> Their

<sup>7</sup> Kroeber, A. L., Handbook of the Indians of California, Bureau of American Ethnology, Bulletin 78, Smithsonian Institution, Washington, D.C., 1925.

neighbors included the Chumash to the north, the Juañeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence.<sup>8</sup> The Gabrielino language is part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino were hunter-gatherers and lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game was hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison.<sup>9</sup> The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay or holly-leaved cherry.

Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period.<sup>10</sup> Villages are reported to have been the most abundant in the San Fernando Valley, the Glendale Narrows area north of Downtown Los Angeles, and around the Los Angeles River's coastal outlets.<sup>11</sup> The village of Yangna was thought to be located southwest of present-day Union Station, approximately 0.50 miles northwest of the Project Site.<sup>12</sup> Of the approximately 100 known Gabrielino villages, Yangna was one of the largest, and leaders from other Gabrielino villages would regularly converge on Yangna to hold councils.<sup>13</sup> The Gabrielino leaders met beneath the branches of a large sycamore tree known as the council tree, or *El Aliso*, which served as a regional landmark and meeting place. The 400-year-old tree died and was cut down in 1892 as Downtown Los Angeles's industrial expansion surrounded it.<sup>14</sup> Recent research indicates that *El Aliso* was located south of what is presently the

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

<sup>9</sup> Bean, Lowell J., and Charles R. Smith. Gabrielino, in California, edited by R.F. Heizer, pp. 538-549 Handbook of North American Indians, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C., 1978.

<sup>10</sup> Kroeber, A. L., Handbook of the Indians of California. Dover Publications, Inc., New York, reprinted 1976, 1925.

<sup>11</sup> Gumprecht, Blake, Los Angeles River: Its Life, and Possible Rebirth, The Johns Hopkins University Press, Baltimore, Reprinted 2001.

<sup>12</sup> Morris, Susan L., John R. Johnson, Steven J. Schwartz, Rene L. Vellanoweth, Glenn J. Farris, and Sara L. Schwebel, The Nicoleno in Los Angeles: Documenting the Fate of the Lone Woman's Community. In Journal of California and Great Basin Archaeology 36(1): 91-118, 2016.

<sup>13</sup> Rasmussen, Cecilia, From Site of Ancient Tribal Tree, the City of Angels Grew, 1997, [http://articles.latimes.com/1997-04-12/local/me-48039\\_1\\_los-angeles-river](http://articles.latimes.com/1997-04-12/local/me-48039_1_los-angeles-river). Accessed October 30, 2017.

<sup>14</sup> Rasmussen, Cecilia, From Site of Ancient Tribal Tree, the City of Angels Grew.

Metropolitan Transit Authority's headquarters within the median of the Hollywood Freeway, located approximately 0.75 miles northeast of the Project Site.

Based on baptismal records, Yangna appears to have been occupied until at least 1813. But by the early 1820s, Yangna's Gabrielino residents were displaced to an area south of the village site in what is presently the block north of Los Angeles Street and 1st Street, approximately 0.50 miles northwest of the Project Site. By 1836, the displaced Gabrielino community was known as *Rancho de los Pablinos*, and Los Angeles residents began complaining about the Gabrielino bathing in the *Zanjas*. As a result of the complaints, the Gabrielino were once again displaced farther to the east near the present-day intersection of Alameda Street and Commercial Street, approximately 0.65 miles north of the Project Site. Between 1845 and 1847, they were moved to the east side of the river to a settlement that was known as *Pueblito*, and by 1847, the Gabrielino from Yangna were displaced once again and left without a place in which to form a new community. As a result, the Gabrielino dispersed throughout Los Angeles.<sup>15</sup>

### (3) Archival Research Summary

Archival research was conducted for the Project on August 13, 2021, which included a records search at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) housed at California State University, Fullerton. The records search included a review of all recorded cultural resources and previous studies within the Project Site as well as a 0.25-mile radius.

The records search results indicate that 25 cultural resources studies have been conducted within a 0.25-mile radius of the Project Site. Approximately 30 percent of the 0.25-mile records search radius has been included in previous cultural resources assessments. Of the 25 previous studies, one (LA-2950) overlaps the South Site and one (LA-13239) overlaps the North and West Sites. Study LA-2950 consists of a cultural resources assessment for the *Pacific Pipeline Project* which proposed the construction of 171.7 miles of crude oil pipeline. Archival research and a pedestrian survey were conducted as part of this project, but no resources were recorded within the South Site.

Study LA-13239 corresponds to the shapefile supplied by Cogstone and represents their research into the entire linear boundary of the Zanja Madre. However, "only portions of the Zanja [listed as P-19-172542 and with a National Register status code of 7W] have been physically surveyed, excavated, and recorded"<sup>16</sup>. Study LA-13239 also depicts the footprint of the Zanja Madre (Zanja No. 3) on a topographic map, as crossing portions of the North and West Sites. However, based on review of the 1884 and 1894 Sanborn maps, it appears that the map from study LA-13239 does not depict an accurate alignment

<sup>15</sup> Morris, Susan L., John R. Johnson, Steven J. Schwartz, Rene L. Vellanoweth, Glenn J. Farris, and Sara L. Schwebel, *The Nicoleno in Los Angeles: Documenting the Fate of the Lone Woman's Community*. In *Journal of California and Great Basin Archaeology* 36(1): 91-118, 2016.

<sup>16</sup> Cogstone. 2017. Study LA-13239, Extent of the Zanja Madre. Study on file at the SCCIC, California State University Fullerton.

for Zanja No. 3. Instead, Zanja No. 3 only crosses through a portion of the West Site and not the North Site, as depicted in the Sanborn maps. Refer to the Archaeological Report for additional detailed discussion of the Zanja No. 3 within the West Site.

The records search results indicate that 20 cultural resources have been previously recorded within a 0.25-mile radius of the Project Site. Of the 20 cultural resources, one is a historic-period archaeological site (P-19-004460) while 19 are historic architectural resources. None of these resources have been recorded within the Project Site. No prehistoric resources have been recorded within the Project Site or within the 0.25-mile radius. Additionally, although the *zanja* has not been formally recorded on a California Department of Parks of Recreation Site Form, historic maps depict it as crossing through the West Site as described above.

#### (4) Identification of Tribal Cultural Resources

##### (a) *Sacred Lands File Search*

The California NAHC maintains a confidential SLF, which contains sites of traditional, cultural, or religious value to the Native American community. A search of the SLF was requested from the NAHC on July 22, 2021. The NAHC responded in a letter dated August 20, 2021 indicating that the results were positive. The response letter did not provide details on resources within the Project Site and suggested contacting the Gabrieleño Band of Mission Indians – Kizh Nation.<sup>17</sup>

##### (b) *Assembly Bill 52 Tribal Consultation*

In compliance with the requirements of AB 52, the City of Los Angeles Department of City Planning provided formal notification of the Project via certified mail to Native American groups that are listed on the City's AB 52 contact list, on May 27, 2022. A summary is provided below in **Table IV.K-1, *Summary of AB 52 Consultation***. The letters included a description of the proposed Project, the Project location, and a notification of the type of consultation being initiated. The City received a response from the Gabrieleño Band of Mission Indians - Kizh Nation (Andrew Salas, Tribal Chairman). The other Tribal governments contacted by the City have not responded.

In a letter dated May 31, 2022, Andrew Salas, chairperson of the Gabrieleño Band of Mission Indians - Kizh Nation (Tribe), initiated AB 52 consultation in response to the City's notification. On August 26, 2022, the City engaged in AB 52 consultation. The Tribe indicated its position that the Project Site is sensitive for the presence of tribal cultural resources, due to the Project Site being located within and around the Community of Yangna, and located adjacent to water sources and major traditional routes.

<sup>17</sup> Native American Heritage Commission, SLF Response Letter for the Proposed Fourth & Central Project, 2021. Prepared for ESA. Letter on File at ESA.

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

<b>Contact</b>	<b>Tribe/Organization</b>	<b>Date AB 52 Notice Sent</b>	<b>Response Received</b>	<b>Date of Consultation Request</b>	<b>Consultation Results</b>
Rudy Ortega, Tribal President	Fernandeño Tataviam Band of Mission Indians	5/27/2022	No response	-	-
Jairo Avila, Tribal Historic & Cultural Preservation Officer	Fernandeño Tataviam Band of Mission Indians	5/27/2022	No response	-	-
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians – Kizh Nation	5/27/2022	Request consultation	05/31/2022	Consultation Closed on 10/05/2023
Robert F. Dorame, Chairperson	Gabrielino Tongva Indians of California Tribal Council	5/27/2022	No response	-	-
Sandonne Goad, Chairperson	Gabrielino/Tongva Nation	5/27/2022	No response	-	-
Anthony Morales, Chairperson	Gabrielino/Tongva San Gabriel Band of Mission Indians	5/27/2022	No response	-	-
Charles Alvarez, Tribal Chairman	Gabrielino-Tongva Tribe	5/27/2022	No response	-	-
Donna Yocum, Chairperson	San Fernando Band of Mission Indians	5/27/2022	No response	-	-
Isaiah Vivanco, Chairperson	Soboba Band of Luiseño Indians	5/27/2022	No response	-	-
Thomas Torte, Chairperson	Torres Martinez Desert Cahuilla Indians	5/27/2022	No response	-	-

SOURCE: ESA, 2023.

On August 26, 2022, the Tribe provided a summary email that included confidential information, materials, and electronic resources (e.g. maps and other documents) as referenced during consultation. The Tribe also requested for the City to provide information on the subsurface soils within the Project Site and indicated that if the original soils had been removed, then their concerns for ground disturbance would be reduced. However, in the absence of soil documentation, the Tribe stated that protective measures would need to be implemented. Any aforementioned confidential information, materials, electronic resources, and correspondence submitted by the Tribe are provided in a confidential appendix that the City will retain as part of the administrative record for the Project.

On February 14, 2023, the Tribe provided the City with proposed mitigation measures for Native American monitoring during construction of the Project. On September 14, 2023,



the City issued a letter formal Notice of Pre-Closure of Consultation to notify the Tribe of the City's intent to close consultation, in a separate notice, concurrent with the public of this Draft EIR. On September 22, 2023, the Tribe responded to the Notice of Pre-Closure of Consultation and agreed to the City's proposed mitigation measures. A non-confidential record of letters, mailing, and correspondence is included as Appendix K of this Draft EIR. On October 5, 2023, the City issued a letter closing consultation ahead of the release of this Draft EIR.

### 3. Project Impacts

#### a) Thresholds of Significance

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

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

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

#### b) Methodology

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

## c) Project Design Features

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

## d) Project Impacts

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

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

### (1) Impact Analysis

No prehistoric archaeological resources have been previously recorded within the Project Site itself or within a 0.25-mile radius of the Project Site. The SLF search conducted by the NAHC indicated that the results were positive, although no information about the nature and location of the resource(s) were provided. During AB 52 consultation, the Gabrieleño Tribe indicated their position that the Project Site is sensitive for the presence of potential tribal cultural resources. However, no known tribal cultural resources, as defined in PRC Sections 21074(a)(1), or resources determined by the City in its discretion and supported by substantial evidence to be significant pursuant to PRC Section 5024.1 have been identified within the Project Site as a result of AB 52 consultation. Nevertheless, the documentation provided by the Gabrieleño Tribe indicates that the village of Yangna, old/ancient roads and the Los Angeles River are in close proximity to the Project Site. Therefore, based on these findings and in consultation with the Gabrieleño Tribe, the Project Site appears to have a high potential for encountering tribal cultural resources during construction. As a result, the Project could cause a substantial adverse change in the significance of a tribal cultural resource as described in PRC Section 21084.2. Accordingly, impacts on tribal cultural resources are considered potentially significant, and mitigation measures are provided below.

**Therefore, as the Project could cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074, impacts to unknown tribal cultural resources are considered significant prior to mitigation.**

## (2) Mitigation Measures

The following mitigation measures are required to address potentially significant impacts to tribal cultural resources.

**TCR-MM-1:** Prior to the issuance of a demolition permit, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation or Tribe) who shall be present during construction activities deemed by the Native American Monitor to have the potential for encountering tribal cultural resources, such as demolition, pavement removal, clearing/grubbing, drilling/augering, potholing, grading, trenching, excavation, tree removal or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. A monitoring agreement between the Applicant and Kizh Nation shall be prepared that outlines the roles and responsibilities of the Native American Monitor and shall be submitted to the City prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. A qualified Archaeologist, along with a Native American Monitor (if available), shall also provide Sensitivity Training to construction personnel as required by Mitigation Measure CUL-MM-10.

The Native American Monitor, in coordination with the qualified Archaeologist and archaeological monitor as identified in Mitigation Measure CUL-MM-9, shall have the authority to direct the pace of construction equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of tribal cultural resources. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Native American Monitor in the event there appears to be little to no potential for impacting tribal cultural resources. Native American monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the Applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project Site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh Nation to the Project Applicant/Lead Agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact tribal cultural resources.

**TCR-MM-2:** The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or

discoveries of significance to the Gabrieleño Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/Lead Agency upon written request to the Gabrieleño Tribe. The Applicant shall not be deemed to be out of compliance with this measure if the Native American Monitor fails to complete or submit any such monitoring logs.

**TCR-MM-3:** In the event that prehistoric/Native American (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the Native American Monitor and archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making and evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Applicant, the qualified Archaeologist, the Gabrieleño Tribe, and the City to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe, the Applicant, and the Qualified Archaeologist, the City of Los Angeles determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, a treatment plan shall be developed by the Gabrieleño Tribe, with input from the qualified Archaeologist as necessary, and with the concurrence of the City's Planning Director. The treatment measures in the treatment plan shall be implemented prior to construction work continuing in the buffer around the find. The preferred treatment is avoidance, but if not feasible may include, but would not be limited to, capping in place, excavation and removal of the resource and follow-up laboratory processing and analysis, interpretive displays, sensitive area signage, or other mutually agreed upon measures. The treatment plan shall also include measures regarding the curation of the recovered resources. The recovered prehistoric or Native American resources may be placed in the custody of the Gabrieleño Tribe who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Gabrieleño Tribe nor institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

### (3) Level of Significance After Mitigation

In the event unknown tribal cultural resources are unearthed during construction of the Project, with implementation of the above mitigation measures, potentially significant impacts on tribal cultural resources would be reduced to a less than significant level.

## e) Cumulative Impacts

### (1) Impact Analysis

Chapter III, *Environmental Setting*, of this Draft EIR provides a list of 39 related projects that are planned or are under construction in the Project study area. Many of the related projects, including the related projects in the Project vicinity, would be expected to require grading and excavation that have the potential to encounter tribal cultural resources, although in some cases, these related projects are located in developed urban areas with sites that have been previously disturbed, which would reduce the likelihood of encountering tribal cultural resources.

As demonstrated above, prior to mitigation, the Project could have a significant impact on tribal cultural resources even though there are no resources listed or determined eligible for listing, on the national, State, or local register of historical resources, and the Lead Agency determined that no resources were identified during AB 52 tribal consultation that are eligible for listing under the criteria in PRC Section 5024.1(c). This significant impact finding is due to the potential to encounter tribal cultural resources at depth during construction. This potential exists given the Project Site's location in the general vicinity of a known Native American village (Yangna) and where recent discoveries during other construction projects have been made, its location in an area where prehistoric trading routes had once existed, and its proximity to the Los Angeles River, all of which would have attracted prehistoric inhabitants to the Project Site and vicinity. Lastly, there are still areas of the Project Site that likely are comprised of native soils that retain the potential to preserve tribal cultural resources.

As with the Project, each related project would also be required to engage in AB 52 consultation with Native American tribes in order to identify any tribal cultural resources that could potentially be impacted by the related project and to address potentially significant impacts, if identified. The related projects would be required to comply with the City's standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries, and in areas of heightened sensitivity similar to the Project Site, mitigation similar to that applicable to the Project may be required. The City's standard condition of approval provides for the treatment and recovery, as applicable, of previously unknown tribal resources should they be encountered during construction activities. As such, Project impacts to tribal cultural resources are not cumulatively considerable and cumulative impacts would be less than significant with mitigation. **For these reasons, the Project, considered together with the related projects, would not cause a cumulatively significant substantial adverse change in the significance of a tribal cultural resource.**

### (2) Mitigation Measures

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

### (3) Level of Significance After Mitigation

Cumulative impacts to tribal cultural resources were determined to be less than significant with mitigation. Therefore, no additional mitigation measures were required or included, and the impact level remains less than significant with mitigation.