

IV. Environmental Impact Analysis

I. Tribal Cultural Resources

1. Introduction

This section of the Draft EIR identifies and evaluates the Project’s potential 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 for The Bloc Residential Tower and Sign Supplemental Use District Project* (TCR Assessment) included as Appendix J.1 of this Draft EIR.¹ A summary of the Native American consultation results is provided in a Confidential Attachment (Attachment C) of the TCR Assessment. Copies of the AB 52 notification letters, verification of mailing, and other related documents are included in Appendix J.2 and J.3 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 SWCA Environmental Consultants, *Tribal Cultural Resources Assessment for The Bloc Residential Tower and Sign Supplemental Use District Project, City of Los Angeles, December 19, 2023.*

(1) State

(a) Assembly Bill 52

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 of Historical Resources or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 21074(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 21074(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.² 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.³

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 of tribal cultural resources;

² *Public Resources Code, Section 21080.3.1(b) and (c).*

³ *Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e).*

and mitigation measures capable of avoiding or substantially lessening potential significant impacts to tribal cultural resources. 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.⁴

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a mitigated negative declaration 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.⁵

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native 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.⁶

PRC Section 21084.2 states that a project that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.

⁴ *Public Resources Code, Section 21080.3.2(b).*

⁵ *Public Resources Code, Section 21082.3(d)(2) and (3).*

⁶ *Public Resources Code, Section 21082.3(c)(2)(B).*

(b) California Public Resources Code Section 5097

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 land owner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

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

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

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

(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

misdeemeanor 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 4.285-acre Project Site is centrally located in downtown Los Angeles within the planning boundary of the Central City Community Plan (Community Plan). The Project Site consists of an entire City block bounded by 7th Street to the north, 8th Street to the south, Hope Street to the east, and Flower Street to the west (see Figure 2 of the TCR Assessment and Figure II-2 in Section II, Project Description, of this Draft EIR). As discussed in Section II, Project Description, of this Draft EIR, the Project Site is currently occupied by The Bloc, a mixed-use complex that includes an office tower, a high-rise hotel, commercial/retail uses, an expansive plaza that includes a portal to the Los Angeles County Metropolitan Transportation Authority's (Metro) 7th Street/Metro Center Station, and approximately 1,971 parking spaces. The southern portion of the Project Site (the Development Area) is currently developed with an existing 9-story podium building, which includes two basement levels, five stories of enclosed parking, four stories of existing commercial/retail floor area, and one level of rooftop parking.

The Project Site is located with the Los Angeles Basin, a broad level plain bounded by the Pacific Ocean to the west and the Santa Monica Mountains and Puente Hills to the north, and the Santa Ana Mountains and San Joaquin Hills to the south. This extensive alluvial wash basin is filled with Quaternary alluvial sediments. The Project Site is mapped within geological units defined as undivided young alluvial fan deposits, which are composed of unconsolidated gravel, sand, and silt deposited primarily from flooding streams and debris flows. The soils underlying the existing development are classified by the U.S. Department of Agriculture (USDA) as Urban Land, Commercial Complex soil.⁷ This classification in soil is considered human transported material over mixed alluvium

⁷ U.S. Department of Agriculture, Natural Resources Conservation Service, *Web Soil Survey, Survey Area Data*, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, 2018, accessed November 1, 2023.

which consist mainly of sandy and clay loam. Based on the Report of Geotechnical Evaluation for Environmental Impact Report (Geotechnical Evaluation) prepared for the Project by Wood Environment & Infrastructure Solutions, Inc., dated May 6, 2022 (see Appendix IS-4 of the Initial Study) exploratory borings drilled in 1969 encountered fill soils of up to 8 feet thick. Fill soils were removed by the basement excavation; however, it is expected that localized areas of artificial fill may be present from subsequent construction activities. Holocene-age alluvium is present in the subsurface and consists of poorly consolidated, interlayered silty clays, sandy silts, clayey sands, and silty sands with some sand layers having gravel and cobbles. Alluvium was encountered at depths ranging from 70 to 78 feet below ground surface (bgs). Beneath the alluvial deposits, sedimentary bedrock of the Pliocene-age Fernando Formation was encountered under existing adjacent buildings to the north, deeper than 70 feet below the existing podium building. As described in the TCR Assessment, the Project Site is likely underlaid by sediments that are too old to contain a tribal cultural resource.

The Los Angeles Basin is drained by several major watercourses, including the Los Angeles, Rio Hondo, San Gabriel, and Santa Ana rivers. The Project Site is located approximately 2.6 miles south of the confluence of the Los Angeles River and the Arroyo Seco. Largely thanks to the reliable flow of water from these sources, the location has been ideal for human habitation, both before and after the arrival of European settlers. The Project Site is located at an elevation ranging approximately 260–269 feet above mean sea level.

(2) City of Los Angeles Ethnographic Context

The following discussion is a summary of the detailed ethnographic overview provided in the TCR Assessment included in Appendix J.1 of this Draft EIR. As discussed therein, the Project Site is in an area historically occupied by the Gabrielino. Surrounding Native American groups included the Chumash to the northwest; the Tataviam/Alliklik to the north, who traditionally occupied the San Fernando Valley and some of the surrounding areas; the Serrano to the east; and the Luiseño/Juaneño to the south.

The name “Gabrielino” (sometimes spelled Gabrieleno or Gabrieleño) is a term designated through Spanish custom, which named local tribes according to an affiliated mission. Native Americans affiliated with Mission San Gabriel Arcángel were named “Gabrielino” and those affiliated with Mission San Fernando were historically referred to as Fernandeno. There is little evidence that the people we call Gabrielino had a broad term for their group. Instead, they reportedly identified themselves as inhabitants of a specific community with locational suffixes; for example, a resident of Yaanga was referred to as a Yabit. Native words suggested as labels for the broader group of Native Americans indigenous to the Los Angeles region include Tongva and Kizh. Many present-day descendants have taken on Tongva and Kizh as a preferred group name, in part because

of the Native American rather than Spanish origin. As there is no agreement over the most appropriate indigenous term for this group, the term Gabrielino is used in the TCR Assessment and in this section to designate Native people of the Los Angeles Basin and southern Channel Islands and their descendants.

Gabrielino lands encompassed the greater Los Angeles Basin and three Channel Islands: San Clemente, San Nicolas, and Santa Catalina. The Gabrielino subsistence economy centered on gathering and hunting. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like for most Native Californians, acorns were their staple food and were supplemented with the roots, leaves, seeds, and fruits of a variety of flora (e.g., islay, cactus, yucca, sages, and agave). Freshwater and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

The Gabrielino used a variety of tools and implements to gather and collect food resources. These included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Groups residing near the ocean used oceangoing plank canoes and tule balsa canoes for fishing, travel, and trade between the mainland and the Channel Islands. Gabrielino people processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels.

At the time of Spanish contact, the basis of Gabrielino religious life was the Chinigchinich religion, centered on the last of a series of heroic mythological figures. The Chinigchinich religion seems to have been relatively new when the Spanish arrived and was spreading south into the southern Takic groups even as Christian missions were being built and may represent a mixture of Native and Christian belief and practices.

Deceased Gabrielino were either buried or cremated, with inhumation more common on the Channel Islands and the neighboring mainland coast, and cremation predominating on the remainder of the coast and in the interior. Remains were buried in distinct burial areas, either associated with villages or without apparent village association. The Gabrielino conducted elaborate mourning ceremonies that included a variety of offerings, such as seeds, stone grinding tools, otter skins, baskets, wood tools, shell beads, bone and shell ornaments, and projectile points and knives. Offerings varied with the sex and status of the deceased.

(a) Relocating Former Native American Settlements

As discussed in the TCR Assessment included as Appendix J.1 of this Draft EIR, in general, it has proven difficult to establish the precise location of Native American settlements occupied immediately preceding and following Spanish arrival in California approximately 250 years ago. Many of the settlements and so-called villages had long since been abandoned by the time ethnographers, anthropologists, and historians attempted to document any of their locations, at which point Native American lifeways had been irrevocably changed.

Several factors have confounded efforts at relocating former Native American settlements. Many settlements were recorded with alternative names and spellings. Additionally, there have been conflicting reports on the meaning and locational reference of the placenames. In addition to differences in the interpretation of a given word, some of the placenames refer to a site using relatively vague terms that could fit several possible locations, or the word may reference a natural feature that no longer exists, such as a type of plant that once grew in an area now fully urbanized. Further, Native American placenames recorded in historic records and reported in oral histories did not represent a continually occupied settlement within a discrete location. Instead, the settlements were represented by several smaller camps scattered throughout an approximate geography, shaped by natural features that were subject to change over generations. Furthermore, the criteria for what constitutes a village site has been especially lacking in consistency and specificity, even within a strictly academic context. Much of the debate in this regard concerns whether sites were occupied on a permanent or temporary basis, and archaeological data do not always provide unequivocal evidence to make a reliable classification for a given site. The range of terms used to characterize different types of Native American settlements include residential sites, habitation sites, and seasonal camps, which are used to refer to prehistoric sites in coastal California while the term village is more often used to reference Mission period settlements such as the Chumash site of Humaliwo, Helo', and Muwu, or Luiseño sites such as Topomai. These Spanish and Mexican period sites are also known as rancherías—a term with connotations for a more permanent settlement, which is often used synonymously with village.

(b) Native American Communities in the Downtown Los Angeles Area

Three Native American settlements are commonly reported as having been located the downtown Los Angeles area (in order of distance from the Project Site): Geveronga, Yaanga, and Maawnga. In addition to these pre-Spanish settlements, several rancheria sites were established in the downtown area during the early to middle parts of the nineteenth century. The rancherías were occupied by Gabrielino as well as members of other tribes from the surrounding region and are discussed in further detail below. Refer to Figure 6 of the TCR Assessment for the location of these rancheria sites, as well as various landmarks mentioned in the discussion of Yaanga.

Yaanga is commonly characterized as having been the most prominent of the pre-Spanish Gabrielino settlements within the Los Angeles Basin and has been the subject of more intensive study. By comparison, very little is known about Geveronga, which has also been described in ethnographic accounts as immediately adjoining the Pueblo of Los Angeles. The estimated location for Geveronga is approximately 0.5 mile north-northeast of the Project Site. The settlement is believed to have been situated west of Yaanga, but little else is known beyond the citations included in mission registers that describe its location as adjoining the Pueblo of Los Angeles. As shown in Figure 6 of the TCR Assessment, the Geveronga settlement was likely located within a drainage basin formed along the toeslopes of the Elysian Hills.

Alternative spellings and names for Yaanga include Yang-na, Yangna, and Yabit. Though the actual location is disputed, generally Yaanga is believed to have been located near present-day Union Station, approximately 1.2 miles northeast of the Project Site. Historical records place Yaanga near Los Angeles's original plaza (Plaza). Historians and archaeologists have presented multiple possible village locations in this general area; however, like the pueblo itself, it is likely that the village was relocated from time to time due to major shifts of the Los Angeles River during years of intense flooding.

Locations proposed for Maawnga fall into two areas—one on the north-facing side of the Santa Monica Mountains and one within the foothills around what is now Griffith Park. The settlement was believed to be located where the first Jewish cemetery was established, within Elysian Park on Chavez Road at a police department pistol range. As such, the village would have been located at least 4.2 miles southeast of the Project Site. Another historical account describes the village site of Maawnga within the Rancho de los Felis (Rancho Los Feliz), which covers a 10-square-mile area in what is now portions of Hollywood, Los Feliz, Griffith Park, and Elysian Park. After the settlement of Los Angeles in 1781, Yaanga faced many new challenges because of its proximity to the new city. The last recorded birth at Yaanga is believed to have been in 1813, after which the village was forced to relocate south of the original site. This new village, known as *Ranchería de los Poblanos* by the Angelenos, is believed to have been located at the intersection of Los Angeles Street and 1st Street. This *rancheria* existed for approximately 10 years, between 1826 and 1836, after which the indigenous population was forced to relocate to a plot of land near Commercial and Alameda Streets. This *rancheria* existed for approximately another 10 years, between 1836 and 1845, during which nearby landowners attempted to forcibly relocate them to obtain more land for agricultural use. In 1845, the village was moved, and the new site was called "Pueblito," but the location was only generally described as an area "across (east of) the river" or near the "Spring of the Abilas" or simply as "Boyle Heights." Pueblito was razed in 1847, at which time legislation was passed to require the indigenous population to live in dispersed settlements or with their employers throughout the City.

Rancheria de los Pipimares was another rancheria located within the boundaries of Los Angeles and was composed of Island Gabrielino. The rancheria may have been in existence from as early as 1820 but ceased to exist after 1846. Archival research identified the likely location of Rancheria de los Pipimares to be within the area of San Pedro and 7th Streets, approximately 0.8 mile southeast of the Project Site. Reports describe the Gabrielino at Rancheria de los Pipimares taking part in festivals and mourning ceremonies known as kotuumot kehaay, which were known to spread over large areas of land. This rancheria was likely a community of Native Americans from San Nicolas Island, who are noted as having practiced the tradition of inhuming their dead, as opposed to the cremation practiced by mainland tribes. The ceremony reportedly predates the Mission period (1769–1834) by at least 2,000 years and were reportedly practiced in mid-nineteenth century Gabrielino communities near the San Gabriel Mission, San Fernando, Piru, and Saticoy, and in neighboring Luiseño- and Cahuilla-speaking regions.

Directly east of San Pedro Street and south of 7th Street was the property of Jose Jacinto Reyes, godfather of more Island Gabrielino than anyone else in the City. The Reyes land was later passed on to Luis Lamoreau, who in 1846 filed two petitions to move the residents of Rancheria de los Pipimares to the “general village,” likely Pueblito. This increases the probability that the Rancheria de los Pipimares was indeed located along the west side of 7th Street.

(3) Historical Development of the Project Area

As detailed in the TCR Assessment included as Appendix J.1 of this Draft EIR, the Project Site was located in the west-central portion of the City’s boundary when the City was incorporated in 1849. Maps produced from this period show the Project Site plotted in the southwestern portion of what was developed as the historic core surrounding the Church and Plaza. A trail is shown trending approximately east-west from the historic core through the Project Site, following the natural contour at the footslope of the adjacent low-lying hills.

With the completion of the railroad sparking what turned into a population boom in the 1880s, developments expanded from the historic core, especially to the west. Through the 1890s and into the early twentieth century, the City annexed new lands and the large lots were subdivided and developed into city blocks with residential buildings. By 1921, the entire area was heavily developed as a residential neighborhood with some commercial properties as well as some religious institutions.

The mid-twentieth century saw many changes within the vicinity of the Project Site and Los Angeles as a whole from growth in automobile sales and increases in business and commerce. The construction of the Harbor Freeway in the early 1950s dramatically transformed the Project Site and surroundings as buildings were razed, streets realigned,

and city blocks altered to accommodate its construction. This further shifted the character of the adjacent neighborhoods away from residential developments and toward more commercial uses. Developments continued around the Project Site through the remainder of the twentieth century, as fewer larger buildings and parking lots replaced the former buildings and resulted in the present-day appearance.

An 1884 map of the City showed the southern half of the Project Site as developed and subdivided. An 1888 study of California depicts the Project Site as located a block east of the junction of Zanja No. 8R and Zanja No. 8R West Branch, with Nichols Ditch situated approximately 0.25 mile to the northwest. An 1894 historical topographic map and aerial photographs show the Project Site as being developed within the southern half of the block along Flower Street, all of 8th Street, and all of Hope Street.

By 1921, the remaining frontage of Flower Street and 7th Street are developed. A real estate map from 1921 depicted at least four hotels, flats, and a church within the Project Site with the most prominent feature being a YMCA Building. The entirety of the Project Site appeared to be made up of commercial properties by 1927. By 1940, the southern portion of the Project Site showed surface parking areas and by 1960, additional surface storage areas appeared along Flower Street, possibly shipping containers in place of some of the previous commercial buildings and parking areas. A 1968 aerial depicted those additional buildings removed and additional storage/parking is visible along most of West 7th Street. The YMCA Building is the most prominent building still standing and several smaller buildings are visible in the southern portion of the Project Site. By 1973, the present-day buildings are all shown as being present within the Project Site.

(4) Assembly Bill 52 Consultation

The Project is subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to tribal cultural resources as part of the CEQA process and requires the lead agency to notify any California groups (who have requested notification) of the Project who are traditionally or culturally affiliated with the geographic area of the Project. Pursuant to AB 52, the City provided formal notification of the Project on August 4, 2022. Letters were sent to all California Native American tribes that requested notification, as shown in Table IV.I-1 on page IV.I-12.

**Table IV.I-1
California Native American Tribes Who Received Project Notifications Pursuant to PRC Section
21080.3.1**

Representative	Affiliation
Rudy Ortega, Tribal President	Fernadeño Tataviam Band of Mission Indians
Jairo Avila, Tribal Historic and Cultural Preservation	Fernadeño Tataviam Band of Mission Indians
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians-Kizh Nation
Anthony Morales, Chairperson	Gabrieleno/Tongva San Gabriel Band of Mission Indians
Sandonne Goad, Chairperson	Gabrieleno/Tongva Nation
Robert F. Dorame, Chairperson	Gabrieleno/Tongva Indians of California Tribal Council
Charles Alvarez	Gabrielino-Tongva Tribe
Donna Yocum, Chairperson	San Fernando Band of Mission Indians
Isaiah Vivanco, Chairperson	Soboba Band of Luiseño Indians
Thomas Torte, Chairperson	Torres Martinez Desert Cahuilla Indians
<hr/> <i>Source: SWCA Environmental Consultants, 2023.</i>	

A summary of the Native American consultation results is provided in a confidential attachment (Attachment C) of the TCR Assessment. Copies of the notification letters and verification of mailing are included in Appendix J.2 of this Draft EIR.

Chairman Andrew Salas, on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation, was the only tribal representative who responded to the Project notification conducted by the City. At the request of Chairman Salas, tribal consultation took place exclusively through written correspondence. A summary of this process is provided below.

On December 7, 2022, Chairman Salas provided a letter detailing the Gabrieleño Band of Mission Indians—Kizh Nation (Tribe) concerns regarding the proposed Project. Chairman Salas included five attachments to the letter consisting of maps and two pages excerpted from a book. The attached letter included interpretive information associated with the other attachments, portions of regulations related to tribal consultation and tribal cultural resources, a request for information about the soils in the Project Site, and some initial information about how soils data are typically interpreted in terms of the presence or absence of a tribal cultural resource. Chairman Salas's letter does not state that known tribal cultural resources exist on-site but does state that the Project Site is located in an area of high cultural sensitivity, and provided exhibits attached to, and analysis included in, the letter. In the letter sent on December 7, 2022, Chairman Salas recognized that their interpretation of the tribal cultural resource sensitivity may be altered if there is information presented demonstrating that the soils within the Project Site have been removed and

replaced. In a follow up email to City Planning, Chairman Salas provided three proposed mitigation measures that would require a Native American monitor to be present during ground disturbing activities and specific steps to be followed as treatment for the discovery of human remains and/or associated funerary objects affiliated with Native Americans.

The attachments submitted during consultation include three maps (Exhibits 2–4 of Attachment C) and two text excerpts (Exhibits 5 and 6 of Attachment C) that are all from previously published sources. PRC Section 20182.3(c)(2) allows for disclosure of information already publicly available. However, because Chairman Salas requested that all information be considered confidential, for purposes of this analysis and in the context of the tribal consultation for this Project, these sources are treated as part of the confidential record in Attachment C, which is a fully confidential portion of TCR Assessment, and will not be included as part of this Draft EIR.

On December 27, 2023, the City staff emailed Chairman Salas a confidential letter, summarizing the consultation between the City and Tribe to date. As noted in the letter, while no evidence was found identifying any tribal cultural resources on the Project Site, and the analysis in this section concludes that there would not be a potential significant impact on tribal cultural resources, the City recognizes the Tribe’s concerns as shared during consultation. Therefore, the City’s standard Condition of Approval (COA) for the Inadvertent Discovery of Tribal Cultural Resources would be implemented. The COA was shared with the Tribe for their review. In addition, staff requested that the Tribe provide any additional information and materials, as well as review and provide comments on the Project’s administrative draft tribal cultural resources confidential and non-confidential reports. Because the letter includes information considered confidential, the letter is included as a confidential appendix (Appendix J.3 of this Draft EIR). In response to the City’s confidential letter, the Tribe requested three mitigation measures be implemented as part of the Project, which the City acknowledged receipt of on January 5, 2024. On January 12, 2024, the City staff emailed Chairman Salas a letter documenting the conclusion of the tribal consultation process (refer to Appendix J.3 of this Draft EIR)..

To date, no other communication or request for consultation have been received from any other of the notified tribes to date or within the response period.

(5) Background Research

(a) Sacred Lands File Review

A Sacred Lands File (SLF) search request was submitted to the NAHC for the Project. On September 12, 2022, the NAHC submitted the results of the SLF search, which were negative. In the response letter, the NAHC noted that the lack of recorded sites did not indicate the absence of tribal cultural resources within in the Project Site, and

that the California Historical Resources Information System (CHRIS) and SLF were not exhaustive. The NAHC's response also included a list of 10 Native American contacts who may have knowledge of cultural resources in or near the study area and recommended they be contacted prior to work. The 10 contacts listed on NAHC's contact list included seven contacts who are also listed on the City's AB 52 Notification List. Three of the contacts listed on the NAHC's contact list were not listed on the City's AB 52 Contact List and, pursuant to the notification requirements of AB 52, did not receive notification letters during the City's consultation process, described below. These three contacts were Christina Conly, Tribal Consultant and Administrator for the Gabrielino Tongva Indians of California Tribal Council, Lovina Redner, Tribal Chair of the Santa Rosa Band of Cahuilla Indians, and Joseph Ontiveros of the Soboba Band of Luiseño Indians. The SLF results are included in Attachment B of the TCR Assessment, included as Appendix J.1 of this Draft EIR.

(b) California Historical Resources Information System Review

As described in the TCR Assessment, included as Appendix J.1 of this Draft EIR, the results of a CHRIS records search from the South Central Coastal Information Center (SCCIC) were received on October 27, 2022. The records search focused on a 0.5-mile radius surrounding the Project Site and was limited to a search of archaeological resources and studies, although some non-archaeological studies are included in the results because of the nature of the coding. The records search results, excluding the confidential archaeological site locations, are provided in Attachment A of the TCR Assessment included as Appendix J.1 of this Draft EIR. SCCIC's results were supplemented with additional information on archaeological sites with Native American components that have been identified in the downtown Los Angeles area and outside of the 0.5-mile radius using archival materials from the CHRIS already on file. Generalized descriptions of these resources are included below.

(i) Previously Conducted Cultural Resource Studies

Results of the records search indicate that 72 previous cultural resource studies have been conducted within 0.5 mile of the Project Site between 1978 and 2017 (listed in Table 2 of the TCR Assessment included in Appendix J.1 of this Draft EIR). Of the two previous cultural resources studies with intersecting study areas, the first is a 1993 report by Greenwood & Associates summarizing the results of monitoring during construction for a segment of the Metro Red Line (LA-03103). The rail line runs below ground along 7th Street and is not directly within the Project Site. Nevertheless, no monitoring discoveries were reported for locations near the Project Site. The second study is a letter initiating consultation for a streetcar service project (LA-12584) and contains no analysis or information on known resources. The list of studies conducted outside of the Project Site included 33 archaeological assessments, 14 literature searches, 10 architectural history

studies, four management/planning studies, three monitoring studies, and five labeled as “other”, and one evaluation.

(ii) Previously Recorded Cultural Resources

The CHRIS records identified one previously recorded archaeological site located within the records search area: P-19-004903/LAN-4903H. The site is listed as a historic-in-age structure, object, and site recorded in 2013 north of 5th Street between Olive and Hill Streets, approximately 1,640 feet northeast of the Project Site. The site did not include Native American objects, artifacts, or features.

(c) Native American Archaeological Sites in Downtown Los Angeles

As discussed in the TCR Assessment, included as Appendix J.1 of this Draft EIR, SWCA’s supplemental research identified three archaeological sites that have been recorded in the downtown Los Angeles area including LAN-7/H, LAN-1575/H, and LAN-4662. These sites, described further below and shown in Figure 6 of the TCR Assessment, are all located in the vicinity of Union Station and the Los Angeles Plaza.

(i) LAN-7/H

LAN-7/H is an archaeological site that primarily contained historic period deposits but also contained two pieces of ground stone and a brown mission ware (Tezon) ceramic sherd, which are typically associated with Native American activities. The site was recorded in 1951 and updated in 1980. The historic component included artifacts dating from 1860 to 1880s that are associated with Los Angeles’s earliest Chinatown. The site is located west of Union Station and across Alameda Street and was discovered when the area was bulldozed for construction of the Santa Ana Freeway. The only mention of depth in the site records states that the depth of midden is approximately 1.9 feet bgs.

(ii) LAN-1575/H

Site LAN-1575/H is a multi-component resource with prehistoric and historic components identified at the present-day location of Union Station. The site included extensive historical features of ca. 1860 to 1930s Chinatown including privies, wells, and architectural remains, as well as a prehistoric Native American cemetery with several primary and secondary internments and numerous prehistoric artifacts. The prehistoric component along with several other prehistoric sites nearby are considered potential remnants of the Gabrielino village of Yaanga. Native American deposits were identified below, but also partially intermixed with, a stratum of historic period sediments, both of which were underneath a surface stratum of construction fill. The resource was initially identified in 1989 during monitoring of the construction for the Metro-Rail Subway and was

then updated twice during Phase I and monitoring projects, with the most recent site update in 2015. Cultural material was observed down to 12 feet bgs.

As described in the TCR Assessment, the results of archaeological data recovery conducted in 1996 describes Native American deposits identified below, but also partially intermixed with, a stratum of historic period sediments, of which both were identified underneath a surface stratum of construction fill. The data obtained from P-19-001575/H clearly demonstrate the potential for significant prehistoric archaeological resources to be preserved beneath historic period deposits, which, in turn, can be preserved underneath asphalt and modern construction debris in a fully urbanized setting. The report documents archaeological remains preserved as far below the modern grade as 9.8 feet. The material was discovered within lenses of alluvial sediments deposited during floods within the Los Angeles River floodplain.

In 2019 during construction of Metro's Patsaouras Bus Plaza Station, 13 archaeological features were identified, including Native American human remains and artifacts, as well as historic period deposits (i.e., not affiliated with Native Americans). This new component included materials consistent with the types and ages identified in LAN-1575/H. Some of these new discoveries were identified within the boundary designated for LAN-1575/H, but the majority extend east along Highway 101 and Interstate 10. The new component was identified during mechanical excavation of areas understood to have been extensively disturbed by the Southern California Gas Company's Manufactured Gas Plant, Highway 101, El Monte Busway Bridge, the Metro Red Line, and Patsaouras Plaza, among other developments. Full details and archaeological reporting for this discovery were not available at the time of this study, and the information regarding the contents and location of the discovery were based on publicly available information included in Metro's 2019 board reports.

(iii) LAN-4662

LAN-4662 consisted of a single prehistoric Native American bone identified east of Union Station and below the southbound lane of the 900 block of Vignes Street. The resource was identified in 2013. The bone is the shaft of a right femur with both epiphyses broken off and is highly permineralized.⁸ The femur was encountered during construction activities at a depth of 19 feet below the present street surface, within poorly sorted alluvial deposits, and a concrete surrounding matrix. The site form postulates that the bone was deposited by the Los Angeles River, and radiocarbon dating yielded a calibrated date of

⁸ *Permineralization is a type of fossilization that occurs when minerals transported by water fill in all the open spaces of an organism or organic tissue.*

3,640 to 3,560 years calibrated years before the present, which places it within the middle Holocene period. Archaeological testing did not reveal any further remains.

3. Project Impacts

a. Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

The *L.A. CEQA Thresholds Guide* does not include any criteria to evaluate tribal cultural resources impacts. Thus, the potential for the Project to result in impacts to tribal cultural resources is based on the Appendix G thresholds provided above.

b. Methodology

The analysis in this section is based on the results of the AB 52 consultation process with applicable Native American Tribes and the TCR Assessment prepared by SWCA for the Project included as Appendix J.1 of this Draft EIR.

Pursuant to AB 52, the NAHC-listed California Native American Tribal representatives that requested consultation were notified and provided an opportunity to request consultation to address potential impacts associated with Native American resources (e.g., tribal cultural resources). As discussed previously, a response was

received by the City from the Gabrieleno Band of Mission Indians—Kizh Nation, and the information provided by the tribe about potential tribal cultural resources in the vicinity of the Project Site was evaluated. The TCR Assessment, and this section, summarizes the results of: (1) a summary examination of the geomorphology of the Project Site; (2) an NAHC SLF records search; (3) a CHRIS SCCIC records search; (4) the AB 52 consultation process; (5) a review of previously conducted cultural resource studies in and around the Project Site; and (6) ethnographic research. Based on this information, the potential for the Project to impact tribal cultural resources is assessed.

c. Project Design Features

No specific project design features are proposed with regard to tribal cultural resources.

d. Analysis of 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)?, 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

(1) Impact Analysis

Excavation depths proposed for the Project are expected to extend approximately 10 feet below the existing basement levels, which extend approximately 26 feet bgs. Additionally, the Project may include the installation of drilled cast-in-place concrete pile foundations to support the new proposed structure, which may extend to a depth of up to approximately 100 feet bgs. It is estimated that approximately 18,239 cubic yards of soil would be exported and hauled from the Project Site.

As detailed above in Subsection 2.b.(4), the SLF records search results were negative for tribal cultural resources and the SCCIC records search did not identify any known tribal cultural resources within the Project Site or a 0.5-mile radius. Additionally, the supplemental background research focusing on Native American land uses and settlement patterns in the region conducted as part of the TCR Assessment, confirmed that none of the Native American settlements evaluated were considered close enough to the Project Site to suggest a corresponding increase in sensitivity for material remains associated with the intensive use of those sites. Foraging and other cultural activities by Native Americans that occurred throughout the Los Angeles Basin could have produced material remains, some of which could be preserved as buried deposits, which forms a baseline level of sensitivity effectively across the entire Los Angeles Basin. However, no substantial evidence was identified to suggest an increase in sensitivity for tribal cultural resources within the Project Site. Furthermore, SWCA concludes, based on the sensitivity analysis on pages 28 through 31 of the TCR Assessment which takes multiple factors into account (i.e., location relative to past native villages, water sources, etc., proximity of previous TCR finds, soil type, past excavations and soil disturbance at the Project Site, etc.), that “the sensitivity for tribal cultural resources at the Project Site is low.” The effects of development within the Project Site do not fully eliminate the potential for deposits, but it is considered to have a decrease in the potential sensitivity.

As previously discussed, the City received one request for consultation from the Gabrieleño Band of Mission Indians—Kizh Nation in response to the notification letters sent by City pursuant to PRC Section 21080.3.1. The Gabrieleño Band of Mission Indians—Kizh Nation stated in their email correspondence that there is a high likelihood of a tribal cultural resource to occur in the subsurface because of the proximity to certain features of the natural landscape and historical transportation network. SWCA reviewed the results of consultation including all documentation provided by the Gabrieleño Band of Mission Indians—Kizh Nation to determine whether the Project would cause a substantial adverse impact on tribal cultural resources and found insufficient evidence to indicate the presence of either a known or new tribal cultural resource within the Project Site. Specifically, as described in the TCR Assessment, included as Appendix J.1 of this Draft EIR, the information contained in the documents provided by the Gabrieleño Band of Mission Indians—Kizh Nation is limited to a regional focus (i.e., the Los Angeles Basin and traditional Gabrielino territory) that lacks adequate detail and analysis of the Project Site. The information on the Native American land uses and traditional practices helps to convey that previously unidentified resources can occur essentially anywhere within the Los Angeles Basin; however, given the level of mechanical alterations that have occurred to sediments within the Project Site and the age of the naturally deposited sediments beneath the altered surface stratum, there is no evidence identified to-date suggesting there is an increased likelihood for such a resource to be preserved within the Project Site, at least to the degree a tribal monitor would be required to ensure any potentially significant impacts are avoided or reduced.

The Project's proposed development of a new tower would occur within the southern half of the Project Site (the Development Area) within the footprint of the existing podium building and would extend through and multiple stories above the existing podium. The proposed signs would also be installed on existing or proposed above ground structures. The majority of construction activities would involve above-grade construction. Ground disturbance associated with the Project would be limited to excavation for building foundations within the existing below-grade parking levels. In other words, excavation would be contained within relatively limited selective areas in a portion of the existing podium footprint as opposed to rough grading across the extent of the Project Site, and what excavation would occur would be initiated in sediments that are already below-grade and/or that have already been subject to substantial alteration. Fill soils up to 8 feet were described across the Project Site and are likely underlaid by sediments that are too old to contain a tribal cultural resource. Given these observations, the fact that a tribal cultural resource has not been previously identified within the Project Site, and the evidence suggesting a low probability for a previously unidentified tribal cultural resource being discovered within the Project Site during ground disturbing activities, the TCR Assessment concludes that there is low sensitivity for tribal cultural resources within the Project Site.

Based on the above, the City, in its discretion and supported by substantial evidence, finds the Project Site does not contain any resources determined by the City to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Accordingly, the Project would not cause a substantial adverse change in the significance of a known tribal cultural resource with cultural value to a California Native American tribe. As such, impacts related to known tribal cultural resources would be less than significant.

Nonetheless, the City has established a standard COA to address inadvertent discovery of tribal cultural resources. Should tribal cultural resources be inadvertently encountered, this condition of approval provides for temporarily halting construction activities near the encounter and notifying the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the Project. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074(a)(2)), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would then implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resources monitoring plan and once the plan is approved by the City, ground disturbance activities could resume. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements. Implementation of this COA would ensure that

any potential Project impacts on any currently unknown tribal cultural resources that may be present at the Project Site would be less than significant.

(2) Mitigation Measures

Project-level impacts related to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

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

e. Cumulative Impacts

(1) Impact Analysis

As provided in Section III, Environmental Setting, of this Draft EIR, a total of 44 related development projects have been identified in the vicinity of the Project Site through 2031 (i.e., the Project buildout year).

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. Similar to the Project, related projects would also undergo environmental review and address potential impacts to tribal cultural resources. Furthermore, impacts to tribal cultural resources tend to be site-specific. Cumulative impacts would occur if the Project, related projects, and other future development within the Community Plan area affected the same tribal cultural resources and communities. As discussed above, there are no known tribal cultural resources located on the Project Site and all Project development would remain on-site. However, in the event that tribal cultural resources are uncovered, the Project and related project would be required to comply with the applicable regulatory requirements discussed above and the City's standard condition of approval (and any mitigation measures that may be imposed on related projects) regarding inadvertent discovery of tribal cultural resources. In addition, the related projects would be required to comply with the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. **Therefore, the Project's contribution to impacts on tribal cultural resources would not be cumulatively considerable, and cumulative impacts to tribal cultural resources would be less than significant.**

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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