

IV. Environmental Impact Analysis

J. 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 the analysis of tribal cultural resources in the *Tribal Cultural Resources Report* included as Appendix J of this Draft EIR.¹ As required by the California Environmental Quality Act (CEQA), as amended by Assembly Bill (AB) 52, the City of Los Angeles (City), as Lead Agency, notified the tribes traditionally and culturally associated with the geographic area of the Project regarding the City's consideration of the Project and the tribe's opportunity to consult with the City regarding the Project. None of the tribes requested consultation regarding the Project.²

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; and
- California Penal Code.

(1) State

(a) Assembly Bill 52

AB 52 was approved on September 25, 2014. AB 52 amended California Public Resources Code (PRC) Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1,

¹ Dudek, *Tribal Cultural Resources Report for the East End Studios at 6th and Alameda Project, August 2023.*

² *It is noted that as part of a previously proposed project on the Project Site the City consulted with the Gabrieleño Band of Mission Indians—Kizh Nation in 2017. The results of this prior consultation regarding the Project Site are summarized in the Tribal Cultural Resources Report for the Project.*

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 Sections 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 (California Register) or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 20174(b) as a cultural landscape that meets the criteria in PRC Section 20174(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 PRC Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a “nonunique archaeological resource” as defined in PRC Section 21083.2(h) may also be a tribal cultural resource if it conforms with the criteria in PRC Section 21074(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.³ 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.⁴

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; 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.⁵

³ *Public Resources Code Sections 21080.3.1(b) and (c).*

⁴ *Public Resources Code Sections 21080.3.1(d) and 21080.3.1(e).*

⁵ *Public Resources Code Section 21080.3.2(b).*

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 PRC 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.⁶

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.⁷

(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

⁶ *Public Resources Code Sections 21082.3(d)(2) and (3).*

⁷ *Public Resources Code Sections 21082.3(c)(2)(B).*

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 PRC 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 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) Current Project Site Conditions

The Project Site is currently developed with two large single-story warehouse structures and is relatively flat with limited ornamental landscaping. With regard to the underlying geological and soil conditions, the Project Site is located in the southern extent of the Transverse Ranges Geomorphic Province within the northern Los Angeles Basin. The Project Site is located within the northeastern Central Block, which is bounded by the Hollywood, Santa Monica, and Whittier faults on the north; the Whittier and Elsinore faults and Elysian and Repetto hills on the east; the San Joaquin Hills and Huntington and Newport mesas on the south; and the Newport-Inglewood fault zone and Dominguez and Baldwin hills on the west. In addition, as noted in the Tribal Cultural Resources Report, the soil underlying the existing development in the vicinity of the Project Site is classified by the U.S. Department of Agriculture (USDA) as Urban Land or Commercial Complex, which is associated with discontinuous human-transported material (e.g., soils created as a result of construction or intentionally added fill) over young alluvium derived from sedimentary rock.⁸ As further described in the Geotechnical Review, included within Appendix A of this Draft EIR, the Project Site is underlain by undocumented artificial fill and alluvium deposits. Undocumented fill was reported with a thickness of approximately 0.5 up to 6 feet, based on a review of previous reports completed for the Project Site, and described as silty sand with some gravel. Alluvium was reported under the undocumented fill and described as sandy silts to silty sands with varying amounts of gravel.

The Project Site is located in the highly urbanized area of Downtown Los Angeles, approximately 0.6 mile west of the Los Angeles River. As discussed in the Tribal Cultural Resources Report, historical maps identify the Los Angeles River as a major drainage in the vicinity of the Project Site. Areas in the vicinity of the Los Angeles River would have been used by Native American inhabitants based on their suitability relative to the route of the meandering Los Angeles River. However, as provided in the Tribal Cultural Resources Report, due to the size of existing structures adjacent to and in the vicinity of the Project Site, as well as existing paved areas adjacent to and in the vicinity of the Project Site, native subsurface soils with potential to support the presence of cultural deposits have all likely been disturbed.

(2) City of Los Angeles Ethnographic Context

According to the Tribal Cultural Resources Report included in Appendix J of this Draft EIR, the history of the Native American communities in the Los Angeles region prior to the

⁸ U.S. Department of Agriculture, Natural Resources Conservation Service Soils Soil Survey Geographic Database, <https://casoilresource.lawr.ucdavis.edu/gmap/>, accessed April 19, 2023.

mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. The establishment of the missions in the region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early 20th century. Additionally, it is important to note that even though there were many informants for these early ethnographies who were able to provide information from personal experiences about native life before Europeans, a significantly large proportion of these informants were born after 1850, by which time Native Americans would have had considerable contact with Europeans. This is important to note when examining these ethnographies since considerable culture change had undoubtedly occurred by 1850 among the Native American survivors of California. Based on ethnographic information reviewed as part of the Tribal Cultural Resources Report, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact in the 16th century. Tribes in the Los Angeles region have traditionally spoken Takic languages that may be assigned to the large Uto-Aztecan family. These groups include the Gabrieleño, Cahuilla, and Serrano.

The archaeological record indicates that the Gabrieleño arrived in the Los Angeles Basin around 500 B.C. Surrounding native groups included the Chumash and Tataviam to the northwest, the Serrano and Cahuilla to the northeast, and the Juaneño and Luiseño to the southeast. The name “Gabrielino” or “Gabrieleño” denotes those people who were administered by the Spanish from the San Gabriel Mission, which included people from the Gabrieleño area proper as well as other social groups. Therefore, in the post-Contact period, the name does not necessarily identify a specific ethnic or tribal group. The names by which Native Americans in southern California identified themselves have, for the most part, been lost. Many modern Gabrieleño identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and refer to themselves as the Tongva, within which there are a number of regional bands. Though the names “Tongva,” “Gabrielino,” and Gabrieleño” are the most common names used by modern Native American groups and are recognized by the Native American Heritage Commission, there are groups within the region that self-identify differently, such as the Gabrieleño and Mission Indians—Kizh Nation. In order to be inclusive of the majority of tribal entities within the region, the names “Tongva,” “Gabrielino,” and Gabrieleño are used interchangeably within the remainder of this section.

Tongva lands encompassed the greater Los Angeles Basin and three Channel Islands: San Clemente; San Nicolas; and Santa Catalina. The Tongva established large, permanent villages in the fertile lowlands along rivers and streams and in sheltered areas

along the coast, stretching from the foothills of the San Gabriel Mountains to the Pacific Ocean.

The nearest large ethnographic Gabrieleño village was that of *Yanga* (also known as Yaangna, Janga, Yangna, and Yabit), which was in the vicinity of the Pueblo of Los Angeles (mapped approximately one mile north of the Project Site). This village was reportedly first encountered by the Portola expedition in 1769. In 1771, Mission San Gabriel was established. As set forth in the Tribal Cultural Resources Report, based on the information provided therein, Yanga may have been the most populated village in the Western Gabrieleño territory.

The Gabrieleño subsistence economy was 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 that of most native Californians, acorns were the staple food (an established industry by the time of the early Intermediate Period). Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

A wide variety of tools and implements were used by the Gabrieleño 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.

Gabrieleño 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 Gabrieleño religious life was the Chinigchinich religion, centered on the last of a series of heroic mythological figures. Chinigchinich gave instruction on laws and institutions and also taught the people how to dance, the primary religious act for this society. He later withdrew into heaven, where he rewarded the faithful and punished those who disobeyed his laws. The Chinigchinich religion seems to have been relatively new when the Spanish arrived. It was spreading south into the Southern Tadic groups even as Christian missions were being built. The Chinigchinich religion may represent a mixture of native and Christian belief and practices.

The deceased 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 the interior. Cremation ashes have been found buried within stone bowls and in shell dishes, as well as scattered among broken ground stone implements. These archaeological finds correspond with ethnographic descriptions of an elaborate mourning ceremony that included a wide variety of offerings, including 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. At the behest of the Spanish missionaries, cremation essentially ceased during the post-Contact period.

(3) Background Research

(a) California Historical Resources Information System Review

A California Historical Resources Information System records search at the South Central Coastal Information Center (SCCIC) was conducted as part of the preparation of the Tribal Cultural Resources Report for the Project. The records search included SCCIC's collections of mapped prehistoric, historic, and built environment resources, Department of Parks and Recreation Site Records, technical reports, and ethnographic references. Additional consulted sources included historical maps of the Project Site vicinity, the National Register of Historic Places (National Register), the California Register, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. Based on the results of the records search, one previous cultural resources technical study has included the Project Site. No prehistoric archaeological sites, or other resources documented to be related to past Native American activity, have been previously identified within the Project Site or surrounding half-mile records search buffer.

(i) Previously Conducted Cultural Resource Studies

Results of the cultural resources records search indicated that 45 previous cultural resource studies have been conducted within 0.5 mile of the Project Site between 1986 and 2017. Of these, one study is mapped as overlapping the Project Site (LA-13239), and three studies run adjacent to the eastern and northern boundaries of the Project Site (LA-02950, LA-03813, and LA-04834). A brief summary of these studies is presented below.

- **LA-13239:** A review of SCCIC records search and archival information, completed by Cogstone Resource Management, Inc (Cogstone) in 2017, resulted in a map of the likely alignments associated with the historic-period Zanja Madre water conveyance system network throughout the City of Los Angeles. The Zanja Madre was established in 1781 at the same time that the pueblo of Los Angeles was founded. The original construction consisted of a series of interconnected open

ditches. This ditch system was expanded with time. By the late 19th century, many of the ditches were lined with brick and enclosed to better serve the irrigation needs of the rapidly developing City of Los Angeles. Cogstone mapped the likely route of a segment of the Zanja Madre (known as Zanja No. 2) as running in the vicinity of the Project Site. A separate archaeological and ground penetrating radar (GPR) study was completed by Dudek in 2018, with the intent of identifying if this feature intersects the Project Site. The study did not identify this feature within the Project Site.

- **Pacific Pipeline Project (LA-02950 & LA-03813):** In 1992, Pacific Pipeline System, Inc. (PPSI) proposed the construction of a 172-mile crude oil pipeline between Gaviota in Santa Barbara County to refineries in El Segundo and Long Beach within Los Angeles County. According to the report, nearly all of the pipeline would be installed within previously disturbed areas, such as the railroad right-of-way, highway, and road corridors, and existing pipelines. A segment of the proposed alignment traversed Alameda Street, running adjacent to the western boundary of the Project Site. Overall, 59 prehistoric sites were identified along the proposed route, all of which were within Santa Barbara and Ventura Counties. None of the identified prehistoric resources were in the vicinity of the Project Site or within the surrounding half-mile records search buffer.

Peak & Associates provided a supplemental study focusing on the section of the proposed Pacific Pipeline Project that extended from the Los Angeles River point of crossing within Los Angeles County south along Alameda Street to Olympic Boulevard. This study (LA-03813) included an archival review of the area to determine whether historic period cultural resources would be impacted by construction of the pipeline. The study identified Alameda Street as a major trunkline transportation route “from the earliest period of the city’s existence,” noting that the San Pedro to Los Angeles railroad was within the trunkline since the 1860s (Peak & Associates 1992b, pg. 33). Additionally, the study found that a portion of the Zanja Madre was mapped along the eastern side of Alameda Street.

- **LA-04834:** In 1999, Williams Communications, Inc. retained Jones & Stokes to conduct a cultural resources study in support of the Fiber Optic Cable System Installation Project. The project proposed the installation of a below ground fiber optic cable system that would connect Los Angeles with Anaheim through largely urban and suburban areas. A portion of the alignment ran adjacent to the northern boundary of the Project Site through 6th Street. No prehistoric resources were identified as a result of the cultural study due in part to the developed nature of the Project area. However, two prehistoric village sites were identified along the corridor during consultation with the Gabrielino/Tongva Tribe that included the possible vicinity of the ethnohistoric village Yanga (mapped approximately one mile north of the Project Site) and the possible vicinity of the ethnohistoric village Hautnga (mapped approximately six miles south of the Project Site).

(ii) Previously Recorded Cultural Resources

SCCIC records indicate that a total of 44 previously recorded cultural resources fall within the 0.5-mile records search buffer around the Project Site; none of these recorded cultural resources are on the Project Site. In addition, no prehistoric sites or resources documented to be of specific Native American origin have been previously recorded within 0.5 mile of the Project Site.

As noted above, a section of a Spanish and Mexican-era water conveyance system, known as the Zanja Madre, is thought to have run from El Pueblo de Los Angeles, originally a mile or more to the north of the Project Site, then traveled south along or near Alameda Street. This feature is registered with the California Office of Historic Preservation (reference number 19-0531) and appears to remain unevaluated for National Register and/or California Register listing (Status Code 7W: Submitted to OHP for action—withdrawn August 4, 2008). The exact original alignment of the Zanja Madre is uncertain in the vicinity of the Project Site given that records of this feature are over 100 years old. Segments of the Zanja Madre in Downtown Los Angeles have been unearthed between approximately 0.85 mile and 2 miles to the north of the Project Site, the most recent being at Blossom Plaza on North Broadway (1.5 miles north) in 2014. The term *zanja* translates as “ditches” in English. Native American involvement in local agriculture has been well documented during the Spanish and Mexican period in Los Angeles and would have contributed to construction of the initial open earthen ditch features. Many early zanjas were either destroyed or enclosed with brick in the late 19th century, and their use later ceased in the early years of the 20th century. Based on the nature of this feature, originally running along roads just below the ground surface, it is very unlikely that portions of the Zanja Madre, specifically Zanja No. 2 or subsequent offshoots, would remain intact within the Project Site given the severity of past subsurface disturbances involved in construction of the buildings that now occupy the Project Site. As noted above, a separate archaeological and GPR investigation conducted by Dudek did not indicate that this feature is present within the Project Site.

(b) Ethnographic Research and Review of Academic Literature

As part of the preparation of the Tribal Cultural Resources Report for the Project, which is included in Appendix J of this Draft EIR, academic and ethnographic literature and materials were reviewed for information pertaining to past Native American use of the Project Site area. Figure 3 of the Tribal Cultural Resources Report, included in Appendix J of this Draft EIR, shows the general location of the Project Site (in blue) relative to features identified on the 1938 Kirkman-Harriman historical map. Based on this map, the area of the Project Site is in the vicinity of a route labeled as “very ancient trail.” Heading north, the trail intersects a number of other routes at the historic location of El Pueblo de Los Angeles, mapped approximately 2.5 miles to the north of the Project Site. According to the Tribal Cultural Resources Report, this map is highly generalized due to scale and age and may be somewhat inaccurate with regard to distance and location of mapped features. Additionally,

this 1938 map was prepared more than 100 years following secularization of the missions (in 1833) and includes no primary references. While the map is a valuable representation of post-mission history, the location and uses of the represented individual features cannot be substantiated by the map alone, and substantiation would require archaeological or other primary documentation on a case-by-case basis.

At the time of Portola's and Crespi's travels, and through the subsequent mission period, the area surrounding the Project Site would have been occupied by Western Gabrieleño/Tongva inhabitants. One study made an effort to map the traditional Gabrieleño/Tongva cultural use area through documented family kinships and Native American census data documented in mission records.⁹ Working under the assumption that missionization affected the region's population relatively evenly, this process allowed the researchers to identify the relative size of tribal villages (settlements) based on the number of individuals reported in these records. Traditional cultural use area boundaries, as informed by other ethnographic and archaeological evidence, were then drawn around these clusters of villages. The nearest village site to the Project Site was Yabit (also recorded as Yanga or Yangna). Mission records indicate that 179 Gabrieleño inhabitants of Yanga were documented at San Gabriel Mission, indicating that it may have been the most populated village in the Western Gabrieleño territory. In general, the mapped position of this village has been substantiated through archaeological evidence, although the archaeological record has been substantially compromised by rapid and early urbanization throughout much of the region.

Archaeological evidence has suggested that the village of Yanga may have been located anywhere between Dodger Stadium and the Bella Union Hotel¹⁰ (constructed circa 1870) and centering around what would become Union Station (constructed circa 1939). Technical studies completed for the Los Angeles Rapid Transit Project,¹¹ which is now known as the Metro Red Line, are perhaps the most informative with regard to the distribution of archaeological finds in this area. Cultural materials indicative of habitation activities characteristic of a village, such as Yanga, have been encountered throughout this area; however, they have been more extensively documented within approximately 1,000 feet surrounding Union Station.¹² While this may be partially the result of a greater relative amount of archaeological attention, evidence suggests that there have been both intensive

⁹ Northwest Economic Associates (NEA) and King, Chester, *Ethnographic Overview of the Angeles National Forest: Tataviam and San Gabriel Mountain Serrano Ethnohistory*, 2014.

¹⁰ The structure was demolished in 1940 and is now the site of the Fletcher Bowron Square (also known as Los Angeles Mall) in the 300 block of North Main Street between Temple Street and Aliso Street.

¹¹ Westec Services, *Technical Report Archaeological Resources for the Los Angeles Rail Transit Project "Metro Rail,"* 1983.

¹² Northwest Economic Associates (NEA) and King, Chester, *Ethnographic Overview of the Angeles National Forest: Tataviam and San Gabriel Mountain Serrano Ethnohistory*, 2014.

prehistoric and historic-era (notably Spanish/Mexican period) uses of this area. The broader area, now occupied by downtown Los Angeles, would have been used by Native American inhabitants, and the location of the village of Yanga shifted to multiple locations based on its suitability relative to the route of the meandering Los Angeles River over thousands of years. Spanish/Mexican inhabitants, who settled in the area, were undoubtedly situated in areas prehistorically occupied by the Gabrieleño. However, they were more spatially constrained (at least in the initial years) to the area around what is now El Pueblo de Los Angeles State Park and Union Station. Regardless of the most intensively used portion of the Native American village of Yanga, ethnographic, historical, and archaeological evidence as provided in the Tribal Cultural Resources Report suggests that the boundaries of this habitation area were a mile or more from the Project Site and as close as 0.85 mile north.

As discussed in the Tribal Cultural Resources Report, ethnographic research indicates that after the founding of Los Angeles, the Native American settlement of Yanga was forcibly moved, and, by 1813, Native Americans in the area had regrouped to the south. This new village, known as *Ranchería de los Poblanos*, was located near the northwestern corner of Los Angeles Street and First Street, approximately one mile northwest of the Project Site. This second village site was only occupied until about 1836, after which Native American communities in Los Angeles were relocated east of the Los Angeles River. After 1836, Native Americans were again forcibly relocated another three times, in 1845, 1846, and 1847.

Another historical-era Native American village, known as *Ranchería de los Pipimares*, was located on the west side of San Pedro Street and 7th Street, approximately 1 mile south of *Ranchería de los Poblanos* and 0.6 mile west of the Project Site. This village, formed in the late 1820s, was occupied primarily by Island Gabrieleño, who relocated to Los Angeles — the term Pipimares originally referred to people from Santa Catalina Island but later became a term for Island Gabrieleño in general. In 1846, the village was forcibly relocated following a petition sent to the Los Angeles City Council by neighboring landowners.

Based on review of pertinent academic and ethnographic information, while the Project Site falls within the boundaries of the Gabrieleño/Tongva traditional use area, no tribal cultural resources have been previously documented or found within the Project Site, as summarized above.

(4) Native American Correspondence

(a) Sacred Lands File Review

A Sacred Sites/Lands File Search was conducted by the California Native American Heritage Commission (NAHC) for the Project on November 9, 2022. The NAHC stated that the results of the records search were negative, indicating that there have been no resources

previously discovered and documented within the same United States Geological Survey (USGS) quadrangle, section, township, and/or range as the Project Site. This record search is included as Appendix J of this Draft EIR.

(b) Assembly Bill 52 Consultation

In compliance with the requirements of Assembly Bill 52, Department of City Planning staff provided formal notification of the Project on February 8, 2023.¹³ Letters were sent via FedEx and certified mail to the following California Native American tribes that requested notification:

- Fernandeano Tataviam Band of Mission Indians
- Gabrieleño Band of Mission Indians—Kizh Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino/Tongva Nation
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Gabrielino-Tongva Tribe
- San Fernando Band of Mission Indians
- Soboba Band of Luiseño Indians
- Torres Martinez Desert Cahuilla Indians

Although the Fernandeano Tataviam Band of Mission Indians initially responded requesting consultation, during the consultation process they stated that upon further review of the Project, the Project Site is located outside of the ancestral homelands of the tribe, and therefore would no longer be requesting further consultation.

¹³ *It is noted that as part of a previously proposed project on the Project Site the City consulted with the Gabrieleño Band of Mission Indians—Kizh Nation in 2017. The results of this prior consultation regarding the Project Site are summarized in the Tribal Cultural Resources Report for the Project.*

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 Resources 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 related to tribal cultural resources is based on the State CEQA Guidelines Appendix G thresholds provided above.

b. Methodology

A Tribal Cultural Resources Report was prepared to evaluate the Project's potential impacts to tribal cultural resources. The Tribal Cultural Resources Report documents the results of a California Historical Resources Information System records search and a search of the Native American Heritage Commission Sacred Lands File. The Tribal Cultural Resources Report also includes an in-depth review of archival, academic, and ethnographic information. The California Historical Resources Information System records search included a review of mapped prehistoric, historic, and built environment resources; California Department of Parks and Recreation Site Records; technical reports; ethnographic references; historical maps; the California Historic Property Data File; the National Register of Historic Places, California Register of Historical Resources, California State Historical

Landmarks, and California Points of Historical Interest listings; and the Archaeological Determinations of Eligibility.

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)?***

(1) Impact Analysis

As discussed above in Subsection 2.b, no pre-historic archaeological sites or other resources documented to be related to past Native American activity have been previously identified within the Project Site or the surrounding 0.5-mile records search area. In addition, the Project Site is not listed or eligible for listing in the California Register or in a local register of historical resources, as defined in PRC Section 5020.1(k). **As such, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe and that is listed or eligible for listing in the California Register or in a local register of historical resources. Thus, impacts 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.

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:

- 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

As presented above in Subsection 2.b, the results of the records searches conducted for the Project Site and the independent analysis of correspondence and materials relative to potential tribal cultural resources on the Project Site included in the Tribal Cultural Resources Report prepared for the Project (included in Appendix J of this Draft EIR) demonstrate that there is no record or evidence of tribal cultural resources on the Project Site or adjacent to the Project Site. In addition, while the village of Yanga was potentially located approximately 0.85 mile or more from the Project Site, no known geographically defined resources have been identified within or adjacent to the Project Site. As such, no tribal cultural resources or known cultural resources have been identified that could be impacted by the Project. **Based on this information, the City has determined that the Project would not cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe and that was determined by the City, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(k). As such, impacts related to tribal cultural resources would be less than significant.**

Notwithstanding the above, the City has established a standard condition of approval 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 proposed project. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements.

(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 21 related development projects have been identified in the vicinity of the Project Site. The Project and the related projects are located within a highly urbanized area that has been extensively disturbed and developed over time. As such, tribal cultural resources that may have existed have likely already been discovered. Notwithstanding, similar to the Project, related projects would undergo environmental review and address potential impacts to tribal cultural resources, including compliance with the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. In addition, in the event that tribal cultural resources are uncovered, the Project and related projects would be required to comply with applicable regulatory requirements and the City's standard condition of approval regarding inadvertent discovery of tribal cultural resources, as well as any site-specific mitigation that would be identified for that related project. As discussed above, there are no known tribal cultural resources located on the Project Site, and all Project development would occur within the boundaries of the Project Site. **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 related to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative 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.