

Section 3.4

Cultural Resources & Tribal Cultural Resources**Section Summary**

The analysis of tribal cultural resources evaluates the potential for the Proposed Project and alternatives to cause a substantial adverse change in the significance of cultural resources, including historic, archaeological, paleontological resources and having cultural value to a California Native American Tribe.

Section 3.4, Cultural Resources and Tribal Cultural Resources, provides the following:

- A description of the existing setting with regard to potential cultural resources;
- A brief review of the cultural history of the Port area as it relates to California Native American tribes and the development of the built environment;
- A description of the methodology, including outreach to tribes, used to determine whether the Proposed Project or alternatives result in a significant impact;
- An impact analysis of the Proposed Project and alternatives; and
- A description of any mitigation measures proposed to reduce any potential impacts, as applicable.

Key Points of Section 3.4

The analysis of potential impacts on cultural resources considers only construction, as operation of the container terminal would have no potential for disturbing or destroying cultural resources.

The Berths 121-131 Terminal site consists largely of dredged material placed in the early twentieth as fill on the original marshes and shoreline that underlie most of the project site. Records searches and field surveys confirmed that there are no buildings or structures in or near the site that would require evaluation for NRHP or CRHR eligibility or that have previously been determined eligible. Accordingly, the potential for construction of the Proposed Project or Alternative 2 (No Federal Action) to encounter, disturb, or destroy historic, archaeological, or paleontological resources is remote; Alternative 1 (No Project) would not involve any construction and would therefore have no potential for encountering cultural resources.

The Native American Heritage Committee's (NAHC) Sacred Land Files search did not identify any tribal cultural resources within the Project site. Pursuant to the requirements of Section 106 of the National Historic Preservation Act of 1966, Assembly 23 Bill (AB) 52, and Public Resources Code Section 21080.3.1(b) the USACE and LAHD consulted with tribal entities suggested by the NAHC and did not receive any responses.

Accordingly, given the low potential for construction of the Proposed Project to encounter cultural resources, neither the Proposed Project nor the two alternatives (No Project Alternative [Alternative 1] and No Federal Action [Alternative 2]) would result in a significant impact on cultural resources. A special condition (**SC-CR-1. Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered**) would be included in the construction permits that would further reduce the possibility of loss of cultural resources.

3.4.1 Introduction

This section addresses potential impacts on cultural resources that could result from implementation of the Proposed Project or alternatives. Cultural resources customarily include archaeological resources, tribal cultural resources, and those of the historic, built environment (architectural resources). Paleontological resources (i.e., fossils) are discussed in Appendix G of the State CEQA Guidelines (Environmental Checklist Form) within the context of Section VII, Geology and Soils. However, because an analysis of geology and soils is not included in this Draft EIS/EIR, paleontological resources are considered in this analysis of cultural resources. Tribal cultural resources are also considered here rather than as the separate section suggested by Section XVIII of Appendix G.

3.4.2 Environmental Setting

The project area encompasses approximately 186 acres at Berths 121–131 in the West Basin of Los Angeles Harbor. The Project site includes the Berths 121-131 container terminal and the WBICTF on-dock rail facility as shown in Figure 2-3. The container terminal consists of two wharves and their immediate backlands area for loading and unloading cargo ships, a large container storage and handling yard, truck entry/exit facilities (gates), and various support areas and buildings. Most of the yard is paved with asphalt-concrete, but some areas around buildings and on equipment runways are paved with concrete. The WBICTF consists of several parallel railroad tracks, connected at both ends by switches, for loading, unloading, and staging railcars, and a small railroad operations building, and is also paved.

For the purposes of the CEQA analysis, the study area for the Proposed Project is defined as consisting of the entirety of the project area described above. For the purposes of the NEPA analysis, the “permit area” is defined by a smaller portion of the project site that extends from Berth 126 to Berth 129, including in-water portions of the West Basin that would be dredged and the backland area extending approximately 120 feet inland from the wharf’s waterside face (see Figure 2-6). All of the buildings within the study area have been constructed within the last 50 years and are not of “exceptional importance” or contributors to a potential historic district. No historic resources are located within the study area.

The Proposed Project is located in the West Basin, a primarily human-made area (imported and dredged soils for fill and grading former topography to level the site) developed in increments based on various demands since the Port was initially developed around the early 1900s. The site (Figure 1-1) is adjacent to the communities of San Pedro and Wilmington, and approximately 20 miles south of downtown Los Angeles. The site is generally bounded on the west and northwest by John S Gibson Boulevard and on the other sides by the waters of the West Basin.

3.4.2.1 Paleontological Setting

The Berths 121-131 Terminal site consists largely of dredged material placed as fill on the original marshes and shoreline that underlie most of the project site. The fill was placed in the early twentieth century in order to create land for cargo terminal facilities. The western (inland) portion of the project site includes native soils that have not been covered by substantial amounts of fill but that have been extensively developed during the past century. That development included grading a small hill that may have been part

1 of the San Pedro Sand Formation, which is known to contain paleontological resources.
2 No paleontological field survey of the Project site was conducted because the site is
3 covered by extensive development and is largely underlain by non-fossiliferous
4 imported/modern fill.

5 **3.4.2.2 Archeological and Architectural Setting**

6 **Early History: Port of Los Angeles Region**

7 The Port of Los Angeles, at the southernmost point of Los Angeles County, occupies
8 portions of three former historic ranchos (Rancho San Pedro, Rancho Los Palos Verdes,
9 and Rancho Los Cerritos) that Governor Pedro Fages conferred on veterans of the 1769
10 Portolá expedition. By 1830, San Pedro was the leading west coast center of hide
11 production, the primary export of the Missions and, later, the Ranchos (Queenan 1983).
12 Annexation by the United States in 1848 and the gold rush of 1849 brought landless
13 Americans to the San Pedro area, but ranching remained its primary enterprise. Flint,
14 Bixby & Company, one of the largest sheep ranchers, was headquartered in San Pedro,
15 but the Port area remained underused.

16 Eight major floods along the Los Angeles River between 1815 and 1876 caused tons of
17 silt to be deposited into the river channel, also affecting San Pedro Bay. Modification of
18 the harbor area began when USACE constructed two jetties in 1871 and deepened the
19 channel leading to the Wilmington landing in 1880. The U.S. Army Corps of Engineers
20 (USACE) began construction on the westernmost section of the present-day breakwater
21 complex in 1900.

22 **Initial Commercial Shipping, 1857 to 1897**

23 Phinneas Banning, an early resident of the area, recognized its potential as a commercial
24 shipping port. In 1857, he constructed new docks to capitalize on the increasing trade
25 coming in and out of Los Angeles. Ships generally anchored near the rocky shoreline
26 along the western edge of the bay at San Pedro; the harbor was not well protected or very
27 deep. With his base location at Wilmington, Banning shuttled materials on smaller boats
28 to and from the Rancho San Pedro waterfront.

29 Banning also understood the importance of rail transportation between his operation on
30 the bay and the growing City of Los Angeles. In 1869, Banning organized the Los
31 Angeles and San Pedro Railroad (LA&SP), the first reliable means of moving cargo from
32 the ships coming into San Pedro Harbor to the City of Los Angeles (SurveyLA 2018).
33 The LA&SP was acquired by the Southern Pacific Railroad (SPRR) in 1872. In an
34 attempt to break the SPRR's stranglehold on shipping in the area, Senator J. P. Jones
35 started the Los Angeles and Independence Railroad (LA&I), which ran from Los Angeles
36 to the Santa Monica Pier in 1868. However, in 1877 the LA&I was absorbed into the
37 SPRR system (SurveyLA 2018). The Atchison, Topeka, and Santa Fe Railroad (ATSF)
38 built its first line into the Los Angeles area in 1885, and by 1891 the ATSF operated 80
39 miles of railroad in the County (SurveyLA 2018). The Union Pacific Railroad established
40 a presence in the Los Angeles area in 1921 by acquiring the Los Angeles and Salt Lake
41 Railroad route through Cajon Pass (SurveyLA 2018).

42 Improved transportation to and from the harbor facilitated the burgeoning growth of
43 Los Angeles. This boom fueled increased demand for construction supplies and consumer
44 goods, much of which arrived on ships that docked at San Pedro.

1 **Founding of the Port of Los Angeles, 1897 to 1914**

2 The growth of commerce in Los Angeles demanded formal establishment of a shipping
3 port. The federal government agreed to assist the city by establishing its official harbor in
4 the region. Following the recommendation of several studies of possible alternatives, the
5 San Pedro Harbor site won authorization from Congress in March 1897.

6 In preparation for the opening in 1914 of the Panama Canal, the City of Los Angeles
7 extended its boundaries to coastal tidewaters when it annexed a strip of San Pedro in
8 1906. The Port of Los Angeles and the LAHD were officially created in December 1907,
9 and numerous harbor improvements followed. These improvements included completion
10 of the 2.2-mile breakwater, broadening and dredging of the main channel, completion of
11 the first major wharf by the SPRR, construction of the Angel’s Gate lighthouse, and
12 construction of the first municipal pier and wholesale fish market. By 1909, both
13 Wilmington and San Pedro had been absorbed into the City of Los Angeles.

14 In anticipation of increased trade due to the opening of the Panama Canal in August
15 1914, the City of Los Angeles completed one of many large municipal terminals in the
16 harbor. However, with the outbreak of World War I, the promise of increased trade and
17 expansion possibilities was put on hold (Queenan 1983).

18 **Wartime Changes, 1914 to 1950**

19 World War I changed the principal uses of the harbor area considerably. Wishing to
20 establish a significant presence on the Pacific coast, the U.S. Navy took possession of a
21 portion of the harbor and used it as a training and submarine base. During the war, the
22 Port of Los Angeles was one of the chief sources of employment for area residents.
23 Shipbuilding enterprises in both Los Angeles and Long Beach began turning out vessels
24 by the dozens for the war effort. Improvements to transportation systems in the harbor
25 area also facilitated the growth of trade. By 1917, a vast railroad network existed around
26 the harbor and the Los Angeles region, allowing for the efficient transfer of goods across
27 the country (SurveyLA 2018).

28 Following the end of World War I in 1918, the Port was increasingly used for the
29 importation of lumber and other types of raw materials. As in the pre-war period,
30 approximately 98% of imported cargo consisted of lumber needed to satisfy the demand
31 for housing and factories caused by the rapid growth of the Los Angeles area, while the
32 dominant export was crude oil (SurveyLA 2018). In 1923, the City of Los Angeles
33 passed a harbor improvement bond measure for construction of additional wharves to
34 meet the demands of increased trade (SurveyLA 2018). During the Depression years,
35 however, traffic within the Port slowed along with the rest of the American economy
36 (Queenan 1983).

37 During World War II, Los Angeles Harbor, as one of the closest major ports to the
38 Pacific Theatre of Operations, was fully involved in defense activities. Between 1941 and
39 1945, ship and aircraft production facilities in the harbor area worked day and night to
40 produce more than 15 million tons of war equipment, and docks and piers were busy
41 shipping war-related materiel. Following the war, LAHD launched a broad restoration
42 program. Many of the facilities in the harbor required maintenance that had been delayed
43 due to the war. Through a 1959 revenue bond issue, LAHD renovated or replaced many
44 of its marine terminal structures (Survey LA 2018).

45 **Containerization, 1950 to Present**

46 Methods of shipping changed dramatically following World War II with the introduction
47 of containerization. As discussed in Section 1.2.2 in Chapter 1, “Introduction,”

1 containerization is an integrated system of transport in which goods are shipped in
2 standardized (20-, 40-, 45-, or 48-foot-long), sealable metal boxes, designed for easy
3 placement on compatible truck beds, railcars, and ships. Advantages of containerization
4 include numerous efficiencies related to labor costs, loading and unloading time,
5 decreased losses, and the integration of transport by truck, train, and ship. The primary
6 disadvantage is the large capital outlay necessary to produce the new ships, cranes, rail
7 cars, truck trailers, and port facilities that can accommodate containerized cargo. The
8 adoption of containerization prompted the Port to undertake a major terminal
9 modification and improvement program in the 1960s; this resulted in the removal of most
10 of the older architectural and historic cultural resources, as few pre-1960s resources
11 remain (SurveyLA 2018).

12 International shipment through the Port increased during the latter half of the twentieth
13 century as ocean-going vessels grew too large to negotiate the Panama Canal. Using a
14 land-bridge system, shippers could transfer materials from Pacific region sources to
15 Atlantic region markets by unloading at the Port of Los Angeles and trans-shipping via
16 truck or train to destinations in the east, including vessels waiting at east coast ports to
17 convey cargo to Europe (Queenan 1983).

18 **History of the Project Site, 1920s to Present**

19 The project site's history of cargo terminal uses dates back to the 1920s, as the site served
20 a variety of tenants including oil companies, lumber companies, shipbuilding operations,
21 and cargo terminals. Earlier operations located on the project site include rail facilities,
22 lumber terminals, a shipyard, and an oil terminal. Figure 3.4-1 shows the northern portion
23 of the Berths 121-131 site in 1959, when the Sun Lumber Company occupied what is
24 now Berths 126-129 and a shipbuilding yard occupied the area that is now Berth 131.

25 By 1969 the shipyard and lumber terminal were removed and the rail lines realigned to
26 accommodate construction of the East-West Container Terminal on the eastern portion of
27 the present site. In 1973 the container terminal was expanded westward, which entailed
28 removal of a low hill outside the USACE APE (visible in Figure 3.4-1) that was on the
29 western portion of the present terminal, and relocation of the Wilmington-San Pedro
30 Road to the present alignment of John S. Gibson Boulevard. Eventually, the lumber
31 operations were terminated and their sites merged with the container terminal to create
32 the present terminal configuration.

33 **Records Search**

34 In 2014, GPA Consulting conducted a cultural resources records search at the South
35 Central Coastal Information Center (SCCIC), located on the California State University
36 Fullerton campus. The records search included a review of all recorded archeological
37 sites and built-environment resources within a half-mile radius of the project site. Sources
38 consulted included the National Register of Historic Places (NRHP), the California
39 Register of Historical Resources (CRHR), the California Inventory of Historic Resources,
40 the California Historical Landmarks list, the California Points of Historical Interest list,
41 and the City of Los Angeles Historic-Cultural Monuments list.

42 Results of the records search indicate that 39 cultural resource studies have been
43 conducted within a half-mile radius of the Project area, and of these, 14 included the
44 Project area. These studies identified two built-environment resources (Table 3.4-1).
45 Neither of these resources was determined eligible for the NRHP or CRHR. They were
46 both assigned California Historical Resource Status Code 6Z: "found ineligible for the
47 NRHP, CRHR, and local designation through survey evaluation.

Table 3.4-1: Built-Environment Cultural Resources Identified Near the Proposed Project Area

Record No.	Author and Resource
19-188200	Lassell, Susan. 2000. <i>Wharves and Berths 104, 108-109, 115.</i>
19-188897	Chasteen, Carrie. 2009. <i>Harbor Belt Line West Basin Line.</i>

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In addition to the records research, GPA Consulting reviewed other extant resources, including aerial photographs, maps, the Port’s website and cultural resource records, and context statements to determine whether there are any resources more than 45 years old that had not been previously evaluated. Finally, letters were sent to interested parties (Table 3.4-2) to solicit information on known historic properties in the vicinity of the Proposed Project.

Figure 3.4-1. Project site in 1959.



Port of Los Angeles

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The records search and other research confirmed that there are no buildings or structures in the vicinity of the Proposed Project that would require evaluation for NRHP or CRHR eligibility. The research also determined that there are no buildings or structures in the immediate vicinity of the Proposed Project that have previously been determined eligible for NRHP or CRHR.

In response to GPA’s outreach letters, the Maritime Museum Research Library mentioned a 1937 booklet that depicts a possible Native American village within the project area. The map in the booklet suggests that the village was on the low hill that was

1 formerly on the western portion of the Berths 121-131 Terminal (outside the USACE
 2 APE). Since that hill was removed and the site substantially redeveloped in the 1970s, it
 3 is reasonable to conclude that no trace of the village remains.

4 **Field Survey**

5 An historic architectural survey to identify built-environment resources and assess their
 6 eligibility for listing in the NRHP, the CRHR, or as a City of Los Angeles Historic-
 7 Cultural Monument (HCM) or Historic Preservation Overlay Zone (HPOZ) was
 8 conducted in 2014. The buildings were recorded and evaluated for historic significance
 9 and were found to be ineligible for inclusion in the NRHP, CRHR, or for local
 10 designation as a City of Los Angeles HCM (SWCA, 2014).

11 Three architectural historians from GPA Consulting inspected the Berths 121-131 site on
 12 June 9, 2014. At the time of that inspection, the Project area was paved and developed,
 13 precluding an archaeological survey. No built environment resources older than 45 years
 14 appeared to be present in the Project study area.

15 **Table 3.4-2. Interested Parties Contacted for Historic Resources**

David Ellis, Senior Librarian San Pedro Regional Library	Patricia Ingram, Ph.D., Executive Director Historical Society of Southern California
Frank Anderson, President San Pedro Bay Historical Society	Los Angeles Maritime Museum Research Library
Wilmington Historical Society	Northwest San Pedro Neighborhood Council
Janet Hansen, Deputy Director Office of Historic Resources Department of City Planning	Denise Nossett, Senior Librarian Wilmington Branch Library
Adrian Scott Fine, Director of Advocacy Los Angeles Conservancy	

16 **3.4.2.3 Tribal Cultural Setting**

17 Tribal cultural resources include sites, areas, and materials important to Native
 18 Americans for religious, spiritual, or traditional uses. These can encompass the sacred
 19 character of physical locations (mountain peaks, springs, and burial sites) or particular
 20 native plants, animals, or minerals that are gathered for use in traditional ritual activities.
 21 All prehistoric archaeological sites (including villages, burials, rock art, and rock
 22 features) along with traditional hunting, gathering, or fishing sites are generally
 23 considered by contemporary Native Californians as important elements of their heritage.

24 The tribal cultural setting described below is summarized from previous environmental
 25 documents (e.g., Berths 191-194 (Orcem) Low-Carbon Cement Processing Facility Draft
 26 EIR [2023], Port of Los Angeles Master Plan Update Draft Program Environmental
 27 Impact Report [2013]); both documents are available on the LAHD website at
 28 <https://www.portoflosangeles.org/environment/environmental-documents>.

29 **Prehistoric Setting**

30 Evidence of human occupation in Southern California extends to at least 11,000 years in
 31 the past. Prehistoric cultural evolution is generally defined in four general periods: the

1 Early Period from 9,000 to 8,500 before present (BP, a time scale widely used in
2 archaeology, geology, and other scientific disciplines to specify when events in the past
3 occurred); the Millingstone Period from 8,500 to 4,000 BP; the Intermediate Period from
4 4,000 to 1,500 BP; the Late Prehistoric Period from 1,500 BP to the Spanish
5 missionization of California approximately 200 BP (i.e., the founding of Mission San
6 Gabriel in 1771).

7 The Early Period material culture in inland areas is characterized by large, fluted
8 projectile points that imply heavy reliance on large game for subsistence that was most
9 likely supplemented with plants and small game, however, the Early Period subsistence
10 pattern appears to have been heavily marine-influenced, being largely based on shellfish,
11 fish, and marine mammals, with plants and terrestrial fauna as dietary supplements.

12 The Milling Stone Period material culture is characterized by portable milling stones and
13 manos for processing its primary subsistence base of wild seeds, although there is some
14 evidence of marine resources in Milling Stone sites, and coastal groups in Southern
15 California adopted a heavily marine-based (largely shellfish) subsistence

16 The subsistence base diversified during the Intermediate Period to include a wider variety
17 of plant foods, as evidenced by the appearance of mortars and pestles and bowls, and
18 greater reliance on marine resources within the small-animal protein dietary component.

19 By the Late Prehistoric Period, the southern coast of California was occupied by a
20 maritime-adapted people who lived in populous, semi-permanent coastal villages and
21 had a high reliance on animal protein, both terrestrial and marine. These people used
22 seagoing canoes that enabled them to deep sea fish, hunt for sea mammals, and travel the
23 coastal and channel island trade networks. Sites in Marina del Rey) and Encino are
24 among the Late Prehistoric village sites identified in Los Angeles County.

25 **Historical Setting**

26 Native Americans who inhabited the Port region at the time of Spanish contact were
27 ultimately baptized at Mission San Gabriel Arcángel and hence are known as the
28 Gabrielinos. These people occupied a vast area extending through the watersheds of the
29 Los Angeles, San Gabriel, and Santa Ana rivers; several streams in the Santa Monica and
30 Santa Ana mountains; the entire Los Angeles basin, along the Pacific Coast from Aliso
31 Creek to Topanga Creek; and on San Clemente, San Nicholas, and Santa Catalina islands.
32 The population was distributed over diverse environmental habitats and had diverse
33 strategies for food collection, including hunting, fishing, and plant gathering.

34 Evidence suggests the Gabrielino lived in villages encompassing economically and
35 politically autonomous patrilineal clans who collectively owned specific territories that
36 were actively protected against trespass. Settlement patterns have been depicted as
37 consisting primarily of permanently inhabited village sites organized on the basis of clan
38 groupings, augmented by outlying satellite camps that were occupied on a temporary,
39 perhaps seasonal, basis. These temporary camps were used by small groups and were
40 located in areas of increased localized resource availability. Three permanent villages are
41 thought to have been located in the Port area. Swaanga was a large village located in
42 Carson in the vicinity of Sepulveda Boulevard and Wilmington Avenue approximately
43 two miles northeast of the Project site; Tevaaxa'anga was located in Long Beach east of
44 the intersection of I-405 and I-710, approximately six miles northeast of the Project; and
45 Ahwaanga was located in Long Beach approximately four miles east-northeast of the
46 Project site.

1 With the establishment of the mission system at Mission San Gabriel Arcángel in 1771,
2 the Gabrielino peoples were forcibly baptized and integrated into the economic sphere of
3 the Mission. Villages were abandoned, hunting and gathering activities were disrupted as
4 newly introduced agricultural practices altered the landscape, and large segments of the
5 native population were decimated by European diseases. By the time mission lands were
6 secularized in 1834, there were approximately 1,000 converts (neophytes) living at
7 Mission San Gabriel; however, the ancestral Gabrielino lifestyle had been destroyed.

8 A succession of Spanish and Mexican administrators subsequently liquidated mission
9 holdings. By the time the United States annexed California in 1848, most of the Native
10 American population had fled. The smallpox epidemic of 1862–1863, other introduced
11 diseases, starvation, and violence devastated the remaining Native Californian
12 population. By 1900, there were only a few scattered Gabrielino survivors (Gabrielino
13 2022).

14 Tribal Consultation

15 Pursuant to Section 106 of the Historic Preservation Act (see Section 3.4.3.1), the
16 USACE undertook coordination with Native American tribes and councils that could
17 potentially be interested parties for the Proposed Project. This coordination also fulfilled
18 the obligations of the LAHD under AB 52 (see Section 3.4.3.2).

19 The Native American Heritage Commission (NAHC) responded to the NOP/NOI in a
20 letter dated April 15, 2014, that provided a list of tribal representatives to contact. The
21 USACE sent letters to the entities on the list and requested a sacred lands file search from
22 the NAHC. No responses were received from any tribe or from the NAHC.

23 3.4.3 Applicable Regulations

24 3.4.3.1 Federal Regulations

25 Federal “Undertakings” (i.e., those projects with federal funding or that require a federal
26 permit) that may affect a resource listed or eligible for listing on the NRHP must comply
27 with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).
28 Thus, for a federally funded project or projects requiring a federal permit, the possible
29 effects of a project on historic properties must be reviewed. The process of review is
30 often referred to as the “Section 106” process and is described in 36 CFR 800, the
31 implementing regulations of Section 106. The USACE Regulatory Program process for
32 considering cultural resources is described in 33 CFR 325 Appendix C.

33 If an alternative other than the No Federal Action Alternative is authorized by the
34 USACE, compliance with Section 106 of the NHPA is required because a federal permit
35 (i.e., USACE authorization pursuant to Section 10 of the Rivers and Harbors
36 Appropriation Act, and/or Section 103 of the Marine Protection, Research, and
37 Sanctuaries Act) is necessary to construct the Proposed Project. For Section 106 review,
38 cultural resources must be identified and then evaluated using NRHP eligibility criteria.

39 *Historic property* means any prehistoric or historic district, site, building, structure, or
40 object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of
41 the Interior. This term includes artifacts, records, and remains that are related to and
42 located within such properties. The term includes properties of traditional religious and
43 cultural importance to an Indian tribe that meet the NRHP criteria (36 CFR 800.16(1)).

1 To determine whether an Undertaking could affect NRHP-eligible properties, cultural
2 resources (including archaeological, historical, and architectural properties) must be
3 inventoried and evaluated for listing in the NRHP. For the purpose of the NEPA analysis
4 and the USACE's Section 106 compliance requirements, the Undertaking is issuance of a
5 Department of the Army permit to construct structures (i.e., the proposed pile-supported
6 wharf), conduct work (i.e., pile and wharf demolition, and dredging), discharge dredged
7 material or fill (i.e., dredge material disposal and rock dike reconstruction) in waters of
8 the United States and backlands within the Area of Potential Effect (APE), and transport
9 dredged material for the purpose of ocean disposal at an EPA-approved ocean disposal
10 site.

11 For projects involving a federal agency, cultural resource significance is evaluated in
12 terms of eligibility for listing in the NRHP. For a property to be considered for inclusion
13 in the NRHP, it must be at least 50 years old and meet the criteria for evaluation set forth
14 in 36 CFR 60.4, as follows:

15 The quality of significance in American history, architecture, archaeology, engineering,
16 and culture is present in districts, sites, buildings, structures, and objects that possess
17 integrity of design, setting, materials, workmanship, feeling, and association and

- 18 (a) That are associated with events that have made a significant contribution to the
19 broad patterns of our history; or
20 (b) That are associated with the lives of persons significant in our past; or
21 (c) That embody the distinctive characteristics of a type, period, or method of
22 construction or that represent the work of a master or that possess high artistic
23 values or that represent a significant and distinguishable entity whose
24 components may lack individual distinction; or
25 (d) That have yielded, or may be likely to yield, information important in prehistory
26 or history.

27 If a particular resource meets one of these criteria, it is considered as an eligible historic
28 property for listing on the NRHP. Among other criteria considerations, a property that
29 has achieved significance within the last 50 years is not considered eligible for inclusion
30 in the NRHP unless certain exceptional conditions are met.

31 CFR Title 36, Part 800 defines effects and adverse effects on historic properties as
32 follows:

- 33 • **Section 800.9(a)** Criterion of Effect indicates that an undertaking has an effect
34 on an historic property when the undertaking may alter characteristics of the
35 property that may qualify it for inclusion in the National Register. For the
36 purpose of determining effect, alteration of features of a property's location,
37 setting, or use may be relevant depending on a property's significant
38 characteristics.
- 39 • **Section 800.9(b)** Criteria of Adverse Effect indicates an undertaking may alter,
40 directly or indirectly, any of the characteristics of a historic property that qualify
41 the property for inclusion in the National Register in a manner that would
42 diminish the integrity of the property's location, design, setting, materials,
43 workmanship, feeling, or association.¹

¹ 36 CFR 800.5

1 There are seven examples of adverse effects identified in the Section 106 regulations that
2 include, but are not limited to:²

- 3 (i) Physical destruction of or damage to all or part of the property.
- 4 (ii) Alteration of a property, including restoration, rehabilitation, repair,
5 maintenance, stabilization, hazardous material remediation, and provision of
6 handicapped access, that is not consistent with the Secretary's Standards for the
7 Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines.
- 8 (iii) Removal of the property from its historic location.
- 9 (iv) Change of the character of the property's use or of physical features within the
10 property's setting that contribute to its historic significance.
- 11 (v) Introduction of visual, atmospheric, or audible elements that diminish the
12 integrity of the property's significant historic features.
- 13 (vi) Neglect of a property which causes its deterioration, except where such neglect
14 and deterioration are recognized qualities of a property of religious and cultural
15 significance to an Indian tribe or Native Hawaiian organization.
- 16 (vii) Transfer, lease, or sale of property out of federal ownership or control without
17 adequate and legally enforceable restrictions or conditions to ensure long-term
18 preservation of the property's historic significance.

19 **Area of Potential Effects**

20 The APE is the geographic area or areas within which an undertaking may directly or
21 indirectly cause alterations in the character or use of historic properties, if any such
22 properties exist. The APE is influenced by the scale and nature of an Undertaking and
23 may be different for different kinds of effects caused by the Undertaking (36 CFR
24 800.16[d]).

25 To determine whether an Undertaking could affect NRHP-eligible properties, cultural
26 resources (including archaeological, historical, and architectural properties) must be
27 inventoried and evaluated for listing in the NRHP. In complying with the regulations of
28 Section 106, 36 CFR 800, the APE for the Proposed Project is defined by USACE as
29 consisting of a federal permit area (Figure 2-6) that is considerably smaller than the
30 Proposed Project's study area under CEQA. The APE extends from Berth 126 to Berth
31 129, and is defined as the in-water area (approximately 1.44 acres) to be affected by
32 dredging and in-water construction, and the backland area (approximately 3.47 acres)
33 from the edge of the land/water interface beneath the existing wharf deck to 100 feet
34 landward of the wharf on which the cranes sit.

35 **Tribal Cultural Resources**

36 There is no federal legislation designed specifically for the management and protection of
37 ethnographic resources on non-federal lands.

38 **Paleontological Resources**

39 A number of federal statutes specifically address paleontological resources on federal
40 land, their treatment, and funding for mitigation as a part of federally authorized or
41 funded projects (e.g., Antiquities Act of 1906 [16 USC 431–433], Federal-Aid Highway
42 Act of 1935 [20 USC 78]).

²36 CFR 800.5(a)(2)

1 There is no federal legislation designed specifically for the management and protection of
2 paleontological resources on non-federal lands.

3 **3.4.3.2 State Regulations**

4 **Historical Resources**

5 According to CEQA (PRC Section 21084.1), historical resources include any resource
6 listed, or determined to be eligible for listing, in the CRHR. Properties listed in or
7 determined eligible for listing in the NRHP, such as those identified in the Section 106
8 process, are automatically listed in the CRHR. Therefore, all “historic properties” under
9 federal preservation law are automatically “historical resources” under state preservation
10 law. Historical resources are also presumed to be significant if they are included in a local
11 register of historical resources or identified as significant in a qualified historical
12 resources survey. CEQA Guidelines Section 15064.5 sets forth the criteria and
13 procedures for determining significant historical resources and the potential effects of a
14 project on such resources.

15 The CEQA statute and guidelines provide five basic definitions as to what may qualify as
16 a historical resource. Specifically, CEQA Section 21048.1 provides a description for the
17 first three of these definitions, simplified as follows:

- 18 1) listed in the CRHR;
- 19 2) determined eligible for the CRHR by the State Historical Resources Commission;
20 or
- 21 3) included in a local register of historical resources.

22 CEQA Guidelines Section 15064.5 supplements the statute by providing two additional
23 definitions of historical resources, which may be simplified in the following manner. An
24 historical resource is a resource that is:

- 25 1) identified as significant in a historical resource survey meeting the requirements
26 of PRC Section 5024.1(g) [see footnote 4]; or
- 27 2) determined by a lead agency to be historically significant or significant in the
28 architectural, engineering, scientific, economic, agricultural, educational, social,
29 political, military, or cultural annals of California. Generally, this category
30 includes resources that meet the criteria for listing on the CRHR (PRC Section
31 5024.1; 14 CCR 4852).

32 Generally, a resource is considered by the lead state agency to be “historically
33 significant” if the resource meets the criteria for listing on the CRHR (CCR Title 14,
34 Chapter 11.5, Section 4852), as follows:

35 *Criteria for evaluating the significance of historical resources.* An historical
36 resource must be significant at the local state, or national level under one or more of
37 the following four criteria:

- 38 (1) It is associated with events that have made a significant contribution to the
39 broad patterns of local or regional history, or the cultural heritage of
40 California or the United States,
- 41 (2) It is associated with the lives of persons important to local, California, or
42 national history;

- 1 (3) It embodies the distinctive characteristics of a type, period, region, or method
 2 of construction, or represents the work of a master or possesses high artistic
 3 values; or
 4 (4) It has yielded, or has the potential to yield, information important to the
 5 prehistory or history of the local area, California, or the nation.

6 *Integrity.* Integrity is the authenticity of an historical resource's physical identity
 7 evidenced by the survival of characteristics that existed during the resource's period
 8 of significance. Historical resources eligible for listing in the CRHR must meet one
 9 of the criteria of significance described in section 4852 (b) of this chapter and retain
 10 enough of their historic character or appearance to be recognizable as historical
 11 resources and to convey the reasons for their significance. Historical resources that
 12 have been rehabilitated or restored may be evaluated for listing.

13 Integrity is evaluated with regard to the retention of location, design, setting,
 14 materials, workmanship, feeling, and association. It must also be judged with
 15 reference to the particular criteria under which a resource is proposed for eligibility.
 16 Alterations over time to a resource or historic changes in its use may themselves have
 17 historical, cultural, or architectural significance.

18 It is possible that historical resources may not retain sufficient integrity to meet the
 19 criteria for listing in the NRHP, but they may still be eligible for listing in the CRHR. A
 20 resource that has lost its historic character or appearance may still have sufficient
 21 integrity for the CRHR if it maintains the potential to yield significant scientific or
 22 historical information or specific data.

23 *Special considerations:*

- 24 (1) Moved buildings, structures, or objects. The Commission encourages the
 25 retention of historical resources on site and discourages the non-historic
 26 grouping of historic buildings into parks or districts. However, it is
 27 recognized that moving an historic building, structure, or object is sometimes
 28 necessary to prevent its destruction. Therefore, a moved building, structure,
 29 or object that is otherwise eligible may be listed in the CRHR if it was moved
 30 to prevent its demolition at its former location and if the new location is
 31 compatible with the original character and use of the historical resource. An
 32 historical resource should retain its historic features and compatibility in
 33 orientation, setting, and general environment.
- 34 (2) Historical resources achieving significance within the last fifty (50) years. In
 35 order to understand the historic importance of a resource, sufficient time
 36 must have passed to obtain a scholarly perspective on the events or
 37 individuals associated with the resource. A resource less than fifty (50) years
 38 old may be considered for listing in the CRHR if it can be demonstrated that
 39 sufficient time has passed to understand its historical importance.
- 40 (3) Reconstructed buildings. Reconstructed buildings are those buildings not
 41 listed in the CRHR under the criteria in §4853(b)(1), (2), or (3) of this
 42 chapter. A reconstructed building less than fifty (50) years old may be
 43 eligible if it embodies traditional building methods and techniques that play
 44 an important role in a community's historically rooted beliefs, customs, and
 45 practices; e.g., a Native American roundhouse.

46 PRC Section 21084.1 provides that “[a] project that may cause a substantial adverse
 47 change in the significance of an historical resource is a project that may have a significant

1 effect on the environment.” Substantial adverse change is defined as the physical
2 demolition, destruction, relocation, or alteration of the resource or its immediate
3 surroundings such that the significance of a historical resource would be materially
4 impaired.

5 State CEQA Guidelines sections 15064.5(b)(1) and (2) identify the threshold for a
6 significant impact on a historical resource as the potential to cause a substantial adverse
7 change in the significance of a historical resource. That means the physical demolition,
8 destruction, relocation, or alteration of the resource or its immediate surroundings such
9 that the significance of the resource would be materially impaired. The significance of a
10 historical resource is materially impaired when a project results in the following:

- 11 A. demolition or material alteration in an adverse manner of those physical
12 characteristics of a historical resource that convey its historical significance and
13 justify its inclusion in, or eligibility for inclusion in, the CRHR;
- 14 B. demolition or material alteration in an adverse manner of those physical
15 characteristics that account for its inclusion in a local register of historical
16 resources pursuant to PRC §5020.1(k) or its identification in a historical
17 resources survey meeting the requirements of PRC §5024.1(g), unless the public
18 agency reviewing the effects of the project establishes by a preponderance of
19 evidence that the resource is not historically or culturally significant; or
- 20 C. demolition or material alteration in an adverse manner of those physical
21 characteristics of a historical resource that convey its historical significance and
22 that justify its eligibility for inclusion in the CRHR as determined by a lead
23 agency for purposes of CEQA.

24 **Archaeological Resources**

25 When an archaeological resource is listed in, or is eligible to be listed in, the CRHR,
26 PRC Section 21084.1 requires that any substantial adverse effect on that resource be
27 considered a significant environmental effect. PRC sections 21083.2 and 21084.1 operate
28 independently to ensure that potential effects on archaeological resources are considered
29 as part of the environmental analysis for a project. Either of these benchmarks may
30 indicate that a proposal may have a potential adverse effect on archaeological resources.

31 PRC Section 21083.2 states that as part of conditions imposed for mitigation, a lead
32 agency may make provisions for archaeological sites accidentally discovered during
33 construction. These provisions may include an immediate evaluation of the find. If the
34 find is determined to be a unique archaeological resource, contingency funding and a
35 time allotment sufficient to allow recovering an archaeological sample or to employ one
36 of the avoidance measures may be required under the provisions set forth in this section.
37 Construction work may continue on other parts of the building site while archaeological
38 mitigation takes place. Other state-level requirements for cultural resources management
39 are written into PRC Chapter 1.7, Section 5097.5 (Archaeological, Paleontological, and
40 Historical Sites).

41 State CEQA Guidelines Section 15064.5 (revised July 27, 2007) indicates a project may
42 have a significant environmental effect if it causes “substantial adverse change” in the
43 significance of an “historical resource” or a “unique archaeological resource,” as defined
44 or referenced in State CEQA Guidelines Section 15064.5 (b, c). Such changes include
45 “physical demolition, destruction, relocation, or alteration of the resource or its
46 immediate surroundings such that the significance of an historical resource would be
47 materially impaired” (State CEQA Guidelines 1998 Section 15064.5 [b]).

1 State CEQA Guidelines sections 15064.5 and 15126.4 guide the evaluation of impacts on
2 prehistoric and historic archaeological resources. Section 15064.5(c) provides that, to the
3 extent an archaeological resource is also a historical resource, the provisions regarding
4 historical resources apply. These provisions endorse the first set of standardized
5 mitigation measures for historic resources by providing that projects following the
6 Secretary of the Interior’s Standards for the Treatment of Historic Properties be
7 considered as mitigated to a less-than-significant level.

8 **Tribal Cultural Resources**

9 In 2014, the California Assembly enacted AB 52 establishing a new category of resources
10 under CEQA (i.e., Tribal Cultural Resources), mandating a consultation process with all
11 California Native American tribes on lists maintained by the Native American Heritage
12 Commission, and specifying appropriate revisions to the CEQA Guidelines. Tribal
13 cultural resources are defined as features, places, cultural landscapes, and sacred places
14 or objects which are of cultural value to a tribe and that are either on or eligible for the
15 California Register of Historic Resources or a local historic register, or that the lead
16 agency, at its discretion, chooses to treat as a tribal cultural resource. The AB 52 process
17 includes specified time limits and obligations for the consultation process.

18 PRC Section 21084.2, added by AB 52, establishes that “[a] project with an effect that
19 may cause a substantial adverse change in the significance of a tribal cultural resource is
20 a project that may have a significant effect on the environment.” Although the NOP for
21 the Berths 121-131 Container Terminal Redevelopment Project was filed prior to July 1,
22 2015 (the first date for compliance with PRC Section 21084.2), the LAHD has decided to
23 prepare a tribal cultural resource analysis consistent with the provisions of PRC Section
24 21084.2.

25 PRC sections 21080.3.1 and 21080.3.2 provide that a California Native American tribe
26 may request in writing, notification by the lead agency of projects that are within the
27 geographic location traditionally and culturally affiliated with the California Native
28 American tribe. Further, if California Native American tribe requests in writing within
29 30-days of notification, the lead agency shall consult with the California Native
30 American tribe. As a part of the consultation the parties may propose mitigation measures
31 capable of avoiding or substantially lessening potential significant impacts to a tribal
32 cultural resource or alternatives that would avoid significant impacts to a tribal cultural
33 resource. If the California Native American tribe requests consultation regarding
34 alternatives to the project, recommended mitigation measures, or significant effects, the
35 consultation shall include those topics. The consultation may include discussion
36 concerning the type of environmental review necessary, the significance of tribal cultural
37 resources, the significance of the project’s impacts on the tribal cultural resources, and, if
38 necessary, project alternatives or the appropriate measures for preservation or mitigation
39 that the California Native American tribe may recommended to the lead agency.

40 In addition to the requirements under AB 52, the disposition of Native American burials
41 is governed by California Health and Safety Code Section 7050.5 and PRC sections
42 5097.94 and 5097.98 and falls within the jurisdiction of the Native American Heritage
43 Commission. Health and Safety Code Section 7052 establishes a felony penalty for
44 mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

45 Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying
46 objects of historical or archaeological interest, which include tribal cultural resources,
47 located on public or private lands, but specifically excludes the landowner. PRC Section

1 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of
2 archaeological or historical resources located on public lands.

3 **Paleontological Resources**

4 Under California law, paleontological resources are protected by CEQA; CCR Title 14,
5 Division 3, Chapter 1, sections 4307 and 4309; and PRC Section 5097.5. PRC Section
6 5097.5 prohibits excavation or removal of any “vertebrate paleontological site or
7 historical feature, situated on public lands, except with the express permission of the
8 public agency having jurisdiction over such lands.” PRC Section 30244 requires
9 reasonable mitigation of adverse impacts on paleontological resources from development
10 on public land.

11 **3.4.3.3 Local Regulations**

12 **Archaeological Resources**

13 City guidelines for the protection of archaeological resources are set forth in Section 3 of
14 the City of Los Angeles General Plan Conservation Element, which, in addition to
15 compliance with CEQA, requires the identification and protection of archaeological sites
16 and artifacts as a part of local development permit processing.

17 Specifically, Los Angeles Municipal Code Section 91.106.4.5 states that the Building
18 Department:

19 shall not issue a permit to demolish, alter or remove a building or structure of
20 historical, archaeological or architectural consequence if such building or structure
21 has been officially designated, or has been determined by state or federal action to be
22 eligible for designation, on the National Register of Historic Places, or has been
23 included on the City of Los Angeles list of historic cultural monuments, without the
24 department having first determined whether the demolition, alteration or removal
25 may result in the loss of or serious damage to a significant historical or cultural asset.
26 If the department determines that such loss or damage may occur, the applicant shall
27 file an application and pay all fees for the California Environmental Quality Act
28 Initial Study and Check List, as specified in Section 19.05 of the Los Angeles
29 Municipal Code. If the Initial Study and Check List identify the historical or cultural
30 asset as significant, the permit shall not be issued without the department first finding
31 that specific economic, social or other considerations make infeasible the
32 preservation of the building or structure.

33 **Tribal Cultural Resources**

34 There are no local regulations regarding the protection of tribal cultural resources.

35 **Paleontological Resources**

36 City guidelines for the protection of paleontological resources are specified in Section 3
37 of the City of Los Angeles General Plan Conservation Element. The policy requires that
38 the paleontological resources of the city be protected for research and/or educational
39 purposes. It mandates the identification and protection of significant paleontological sites
40 and/or resources known to exist or that are identified during land development,
41 demolition, or property modification activities.

42 **Port of Los Angeles Cultural Resource Policy**

43 In May 2013, the Board of Harbor Commissioners adopted a policy to protect the
44 historical, cultural, and architectural sites and structures at the Port. The Port of Los

1 Angeles Cultural Resource Policy emphasizes that the Port take a leadership role to
2 encourage and establish priorities for the identification, evaluation, and protection of
3 these resources. The policy provides a comprehensive and proactive framework for the
4 ongoing identification of historical resources and consideration for their preservation and
5 reuse and ensures that such resources are identified early in the planning process for
6 proposed projects or potential leasing of vacant properties. The policy incorporates
7 practices to help identify resources to be protected, which includes:

- 8 • Preparing and maintaining an inventory of historical, cultural, and architectural
9 resources of the Port.
- 10 • Completing a comprehensive survey to evaluate Port historical resources within
11 two years of adoption of the policy and every five years thereafter. Buildings,
12 objects, districts, and sites within the Port that are at least 50 years old will be
13 evaluated; resources less than 50 years old that have exceptional importance may
14 also be reviewed.
- 15 • Establishing priorities for preservation and adaptive reuse, where possible, of
16 historical buildings, structures, districts, and other sites owned by or located on
17 property owned by the LAHD. Staff will consider historical resources at the
18 earliest stages of planning, and adaptive reuse in leasing transactions will be
19 encouraged.

20 **3.4.4 Impacts and Mitigation Measures**

21 **3.4.4.1 Methodology**

22 The analysis that follows considers only the impacts of construction, as continued
23 operation of a marine container terminal could not have adverse effects on cultural
24 resources.

25 Impacts on cultural resources from construction of the Proposed Project and alternatives
26 were evaluated by determining whether dredging, excavation, fill, pile driving and wharf
27 construction, building demolition and construction, or other ground disturbance activities
28 would adversely affect significant built environment resources; archaeological sites listed
29 in or eligible for listing in the NRHP or CRHR, or otherwise considered a unique or
30 important archaeological resource; or significant paleontological sites and/or resources
31 under CEQA (City of Los Angeles 2006).

32 The NEPA analysis only considers impacts to cultural resources within the USACE APE
33 (Figure 2-6). As described in Section 3.4.2.1, the USACE complies with section 106 of
34 the National Historic Preservation Act (NHPA) for its federal permit action by applying
35 regulations at 36 CFR 800 and 33 CFR 325 Appendix C. For the Proposed Project, the
36 USACE implemented a three-step process. The USACE completed a sacred lands file
37 search with the Native American Heritage Commission (NAHC letter dated April 15,
38 2014). The USACE completed tribal coordination with local Native American tribal
39 representatives and interested parties (Corps letters dated August 4, 2016). The USACE
40 also completed consultation with the State Historic Preservation Officer (OHP File No.:
41 COE-2016-1128-002, OHP concurrence letter dated December 22, 2016). There have
42 been no changes to the proposed activities in waters of the U.S., the area of potential
43 effect (APE), or permit area since tribal coordination and OHP consultation were
44 completed; therefore, the USACE has determined additional consultation is not required.

CEQA Baseline

CEQA Guidelines Section 15125 requires EIRs to include a description of the physical environmental conditions in the vicinity of a project that exist at the time of the NOP. These environmental conditions normally would constitute the baseline physical conditions by which the CEQA lead agency determines if an impact is significant. The NOP for the Proposed Project was published in April 2014. However, considerable time has passed since the NOP was issued, and for purposes of this Draft EIS/EIR, as described in Section 2.5, the CEQA baseline consists of the 12-month calendar year 2019 in order to provide a representative characterization of activity levels throughout the latest complete calendar year prior to the Covid 19 pandemic. The CEQA baseline assumptions and baseline conditions are described in Section 2.5 and summarized in Table 2-1.

NEPA Baseline

For purposes of this Draft EIS/EIR, the significance of impacts under NEPA is determined by comparing the Proposed Project or other alternative to the NEPA baseline. The NEPA baseline and baseline conditions are described in Section 2.5 and summarized in Table 2-1. Briefly, the NEPA baseline condition for determining significance of impacts includes the full range of construction and operational activities the applicant could implement and is likely to implement absent a federal action, in this case the issuance of USACE permits.

The NEPA baseline, for purposes of this Draft EIS/EIR, is the same as the No Federal Action Alternative. Under the No Federal Action Alternative (Alternative 2), no dredging, dredged material disposal, pile driving, wharf construction, or wharf crane installation would occur. Expansion of the WBICTF and installation of railyard RMG cranes and electrical infrastructure would occur, however, because those improvements could be undertaken without a federal permit.

3.4.4.2 Thresholds of Significance

The criteria for determining the significance for cultural resources impacts are different for CEQA and NEPA. The thresholds of significance described below were developed from both state (CEQA) and federal (NHPA Section 106) regulations.

The IS/NOP for the Proposed Project concluded that impacts related to the disturbance of human remains (CEQA Guidelines Appendix G Issue Vc) would be less than significant and would not be considered in the DEIR. As stated above, this section of the DEIR includes an evaluation of tribal cultural resources consistent with CEQA Guidelines Appendix G Issue XVIII. This threshold also reflects the ethnographic requirements of NEPA under NHPA Section 106.

Accordingly, the Proposed Project or an alternative would have a significant impact on cultural resources if it resulted in any of the conditions described below.

CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

A substantial adverse change in significance occurs if a project involves:

- Demolition of a significant resource;
- Relocation that does not maintain the integrity and significance of a significant resource;

- 1 • Conversion, rehabilitation, or alteration of a significant resource which does not
- 2 conform to the Secretary of the Interior's Standards for Rehabilitation and
- 3 Guidelines for Rehabilitating Historic Buildings; or
- 4 • Construction that reduces the integrity or significance of important resources on
- 5 the site or in the vicinity.

6 Under NEPA, a significant impact on a historic resource would occur if it would result in
 7 an adverse effect on a built environment resource, and it would alter, directly or
 8 indirectly, any of the characteristics of an historic property that qualify the property for
 9 inclusion in the NRHP.

10 **CR-2:** Cause a substantial adverse change in the significance of an archaeological
 11 resource pursuant to Section 15064.5.

12 An impact on an archaeological resource would be considered significant if it would
 13 disturb, damage, or degrade an archaeological resource or its setting that is found to be
 14 important under the criteria of CEQA because it:

- 15 • Is associated with an event or person of recognized importance in California or
- 16 American history or of recognized scientific importance in prehistory;
- 17 • Can provide information which is both of demonstrable public interest and useful
- 18 in addressing scientifically consequential and reasonable archaeological research
- 19 questions;
- 20 • Has a special or particular quality, such as the oldest, best, largest, or last
- 21 surviving example of its kind;
- 22 • Is at least 100 years old and possesses substantial stratigraphic integrity (note that
- 23 the CRHR provides that any site found eligible for nomination to the National
- 24 Register is automatically included in the CRHR and is afforded all protections
- 25 thereof); and
- 26 • Involves important research questions that historical research has shown can be
- 27 answered only with archaeological methods.

28 Under NEPA, an adverse effect on known or unknown prehistoric and/or historic
 29 archaeological resources would be considered significant if it would alter, directly or
 30 indirectly, any of the characteristics of an historic property that qualify the property for
 31 inclusion in the NRHP.

32 **CR-3:** Directly or indirectly destroy a unique paleontological resource or site or unique
 33 geologic feature (the potential to affect paleontological resources is not a Section
 34 106 issue but is part of the NEPA analysis).

35 **CR-4:** Cause a substantial adverse change in the significance of a tribal cultural
 36 resource, defined in Public Resources Code section 21074 as either a site,
 37 feature, place, cultural landscape that is geographically defined in terms of the
 38 size and scope of the landscape, sacred place, or object with cultural value to a
 39 California Native American tribe, and that is:

- 40 a) Listed or eligible for listing in the California Register of Historical Resources,
- 41 or in a local register of historical resources as defined in Public Resources Code
- 42 section 5020.1(k), or
- 43 b) A resource determined by the lead agency, in its discretion and supported by
- 44 substantial evidence, to be significant pursuant to criteria set forth in subdivision
- 45 (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in

1 subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall
2 consider the significance of the resource to a California Native American tribe.

3 **3.4.4.3 Impact Determination**

4 **Proposed Project**

5 **Impact CR-1: Would the Proposed Project cause a substantial** 6 **adverse change in the significance of a historical resource as** 7 **defined in Section 15064?**

8 The historic architectural surveys conducted in 2014 (Section 3.4.2.2) concluded that
9 none of the built environment at the Berths 121-131 Terminal was eligible for inclusion
10 on the NRHP, CRHR or as a LAHCM or HPOZ. The cultural resources research
11 conducted by GPA Consulting determined that neither of the two built-environment
12 resources on or near the project site (Table 3.4-1) was eligible for the NRHP or the
13 CRHR because the original researchers assigned them to the category 6Z (found
14 ineligible for the NRHP, CRHR, and local designation through survey evaluation).

15 On December 16, 2016, the SHPO concurred with the USACE recommendation that the
16 Berths 121-131 Terminal is not eligible for listing on the National Register of Historic
17 Places and did not object to the USACE's finding that no historic properties would be
18 affected by the Proposed Project.

19 There are no other structures more than 45 years old that might require evaluation for
20 eligibility in the vicinity of the Proposed Project.

21 The Proposed Project would not involve any of the following:

- 22 • Demolition of a significant resource;
- 23 • Relocation that does not maintain the integrity and significance of a significant
24 resource;
- 25 • Conversion, rehabilitation, or alteration of a significant resource which does not
26 conform to the Secretary of the Interior's Standards for Rehabilitation and
27 Guidelines for Rehabilitating Historic Buildings; or
- 28 • Construction that reduces the integrity or significance of important resources on
29 the site or in the vicinity.

30 **CEQA Impact Determination**

31 Because no built-environment historical resources that would be affected by the Proposed
32 Project are present in the vicinity of the Proposed Project, construction of the Proposed
33 Project would be consistent with the LAHD Cultural Resource Policy and would not
34 involve the destruction or substantial alteration of built historic, architectural, or cultural
35 resources within the Port. Therefore, no impacts would occur.

36 ***Mitigation Measures***

37 No mitigation is required.

38 ***Residual Impacts***

39 No impacts would occur.

1 **NEPA Impact Determination**

2 The USACE APE does not contain any federally listed or eligible historic properties. The
3 Proposed Project would not affect any historic properties in accordance with any of the
4 seven examples of adverse effects identified in Section 106 regulations (see Section
5 3.4.3.1, “Federal Regulations,” above). Therefore, no impacts would occur.

6 ***Mitigation Measures***

7 No mitigation is required.

8 ***Residual Impacts***

9 No impacts would occur.

10 **Impact CR-2: Would the Proposed Project cause a substantial**
11 **adverse change in the significance of an archaeological resource**
12 **pursuant to Section 15064.5?**

13 No archaeological resources are known to exist in the Project area. There is an extremely
14 low potential for archaeological resources to be found during construction of the
15 Proposed Project because a) most of the project area, and all of the USACE APE, is
16 underlain with imported and modern fill material dredged from the harbor, and b) the
17 project site has been redeveloped several times in the past century, thereby destroying
18 any archaeological resources that might once have been present.

19 **CEQA Impact Determination**

20 Based on the analysis above, construction of the Proposed Project would not disturb,
21 damage, or degrade an archaeological resource or its setting that is found to be important
22 under the criteria of CEQA because no such resources are likely to be present on the
23 project site. Accordingly, impacts would be less than significant.

24 ***Mitigation Measures***

25 No mitigation is required.

26 ***Residual Impacts***

27 Impacts would be less than significant.

28 **NEPA Impact Determination**

29 The USACE APE does not contain any known archaeological properties, and the
30 potential for construction activities in the APE to encounter such resources is remote.
31 Accordingly, no impacts would occur.

32 ***Mitigation Measures***

33 No mitigation is required.

34 ***Residual Impacts***

35 No impacts would occur.

1 **Impact CR-3: Would the Proposed Project directly or indirectly**
2 **destroy a unique paleontological resource or site or unique geologic**
3 **feature?**

4 The geologic formation of the Project area was constructed in the early twentieth century
5 and consists of imported/modern fill material (i.e., dredged material), as well as native
6 soils (outside the USACE APE) that have been excavated and graded during the past 70
7 years. Soil excavation for the railyard expansion would involve soils in a previously
8 disturbed area, and therefore would not be expected to encounter unique paleontological
9 resources.

10 In addition, the potential to encounter significant paleontological resources during
11 dredging and wharf construction is also extremely low, since the sediments to be dredged
12 and the fill material near the shoreline are Holocene age silts and sands deposited by the
13 Los Angeles River, Dominguez Channel, and Pacific Ocean. Additionally, the present
14 depth of the berth area that would be dredged as part of the Proposed Project (-45 ft.
15 MLLW) is the result of dredging in the past.

16 **CEQA Impact Determination**

17 Based on the analysis above, construction of the Proposed Project would have little
18 potential to destroy a paleontological resource. Accordingly, impacts would be less than
19 significant.

20 ***Mitigation Measures***

21 No mitigation is required.

22 ***Residual Impacts***

23 Impacts would be less than significant.

24 **NEPA Impact Determination**

25 Given that no paleontological resources have been identified within the Project area
26 during previous investigations and considering the origin of the soils underlying the
27 Project site, the potential for encountering paleontological resources during construction
28 of the Proposed Project, including dredging in the West Basin, is extremely low.
29 Accordingly, impacts on paleontological resources would be less than significant.

30 ***Mitigation Measures***

31 No mitigation is required.

32 ***Residual Impacts***

33 Impacts would be less than significant.

34 **Impact CR-4: Would the Proposed Project cause a substantial**
35 **adverse change in the significance of a tribal cultural resource,**
36 **defined in Public Resources Code section 21074 as either a site,**
37 **feature, place, cultural landscape that is geographically defined in**
38 **terms of the size and scope of the landscape, sacred place, or object**
39 **with cultural value to a California Native American tribe, and that is:**

- 1 a) **Listed or eligible for listing in the California Register of**
2 **Historical Resources, or in a local register of historical**
3 **resources as defined in Public Resources Code section**
4 **5020.1(k), or**
- 5 b) **A resource determined by the lead agency, in its discretion**
6 **and supported by substantial evidence, to be significant**
7 **pursuant to criteria set forth in subdivision (c) of Public**
8 **Resources Code Section 5024.1. In applying the criteria set**
9 **forth in subdivision (c) of Public Resources Code Section**
10 **5024.1, the lead agency shall consider the significance of the**
11 **resource to a California Native American tribe?**

12 The majority of the site consists of engineered fill material overlain by paving, which has
13 no potential for containing intact cultural resources, and has been redeveloped several
14 times in the past century. Accordingly, activities associated with construction of the
15 Proposed Project would occur within the footprint of previous construction activity and
16 therefore would have little potential to disturb any cultural resources. A low hill formerly
17 covered the western portion of the site (outside the USACE APE) and was identified in a
18 1937 brochure as the possible site of a Native American village. However, the fact that
19 the hill was removed nearly 50 years ago means that any tribal cultural resources that
20 may have been present on that hill have been destroyed and could no longer be affected
21 by the construction of the Proposed Project. The NAHC did not respond to the USACE
22 request for a sacred lands file search within the APE, and no tribal representatives
23 commented on the Proposed Project. Accordingly, USACE and LAHD conclude that
24 there are no known tribal cultural resources present on the site.

25 **CEQA Impact Determination**

26 Because the potential for impacts on unknown archaeological and ethnographic resources
27 is remote, impacts would be less than significant. However, the LAHD, in response to a
28 comment by the Native American Heritage Commission on the Notice of Preparation and
29 to ensure the protection archeological and ethnographic resources, would apply Standard
30 Condition (SC) CR-1 as a condition of construction permit approval.

31 **SC CR-1: Stop Work in the Area if Prehistoric and/or Archaeological**
32 **Resources are Encountered.** In the unlikely event that any prehistoric artifact
33 of historic period materials or bone, shell, or nonnative stone is encountered
34 during construction, work shall be immediately stopped, the area secured, and
35 work relocated to another area until the found materials can be assessed by a
36 qualified archaeologist. Examples of such cultural materials might include
37 historical trash pits containing bottles and/or ceramics; or structural remains or
38 concentrations of grinding stone tools such as mortars, bowls, pestles, and
39 manos; chipped stone tools such as projectile points or choppers; and flakes of
40 stone not consistent with the immediate geology such as obsidian or fused shale.
41 The contractor shall stop construction within 30 feet of the exposure of these
42 finds until a qualified archaeologist can be retained by LAHD to evaluate the find
43 (see 36 CFR 800.11.1 and 14 CCR 15064.5(f)). If the resources are found to be
44 significant, they shall be avoided or shall be mitigated consistent with Section
45 106 of the NHPA or State Historic Preservation Officer Guidelines.

1 ***Mitigation Measures***

2 No mitigation is required.

3 ***Residual Impacts***

4 Impacts would be less than significant.

5 **NEPA Impact Determination**

6 The USACE APE does not contain any known tribal cultural resources, and the potential
7 for construction activities in the APE to encounter such resources is remote. Accordingly,
8 no impacts would occur.

9 ***Mitigation Measures***

10 No mitigation is required.

11 ***Residual Impacts***

12 No impacts would occur.

13 **Alternative 1 – No Project**

14 Under Alternative 1, no LAHD action would occur. The No Project Alternative would
15 not preclude future improvements to the Project site. However, any future changes in use
16 or new improvements with the potential to have substantial adverse effects on the
17 environment would need to be analyzed in a separate environmental document.

18 Operation of the No Project Alternative would involve the same activities and equipment
19 as under the CEQA baseline conditions. The scale of terminal activity would increase as
20 throughput increased.

21 **Impact CR-1: Would Alternative 1 cause a substantial adverse
22 change in the significance of a historical resource as defined in
23 Section 15064?**

24 As described above for the Proposed Project, the historic architectural surveys conducted
25 in 2014 (Section 3.4.2.2) concluded that none of the built environment at the Berths 121-
26 131 Terminal was eligible for inclusion on the NRHP, CRHR or as a LAHCM or HPOZ.
27 The cultural resources research conducted by GPA Consulting determined that neither of
28 the two built-environment resources on or near the project site (Table 3.4-1) was eligible
29 for the NRHP or the CRHR because the original researchers assigned them to the
30 category 6Z (found ineligible for the NRHP, CRHR, and local designation through
31 survey evaluation).

32 Since there are no historical resources on or near the Berths 121-131 Terminal and no
33 construction would occur, Alternative 1 would not affect any built historic resources.

34 **CEQA Impact Determination**

35 Because no construction would occur, Alternative 1 has no potential to cause adverse
36 changes to historical resources. Therefore, no impacts would occur.

37 ***Mitigation Measures***

38 No mitigation is required.

1 ***Residual Impacts***

2 No impacts would occur.

3 **NEPA Impact Determination**

4 Analysis of the No Project Alternative is not required under NEPA. NEPA requires the
5 analysis of a No Federal Action Alternative (Alternative 2 in this document).

6 ***Mitigation Measures***

7 Mitigation measures are not applicable.

8 ***Residual Impacts***

9 An impact determination is not applicable.

10 **Impact CR-2: Would Alternative 1 cause a substantial adverse**
11 **change in the significance of an archaeological resource pursuant to**
12 **§ 15064.5?**

13 No archaeological resources are known to exist in the project area. Because Alternative 1
14 would not involve any construction activities, unknown buried archaeological resources
15 would not be encountered or disturbed.

16 **CEQA Impact Determination**

17 Because Alternative 1 would not involve construction activities that could encounter or
18 disturb archaeological resources, no impacts would occur.

19 ***Mitigation Measures***

20 No mitigation is required.

21 ***Residual Impacts***

22 No impacts would occur.

23 **NEPA Impact Determination**

24 Analysis of the No Project Alternative is not required under NEPA. NEPA requires the
25 analysis of a No Federal Action Alternative (Alternative 2 in this document).

26 ***Mitigation Measures***

27 Mitigation measures are not applicable.

28 ***Residual Impacts***

29 An impact determination is not applicable.

30

1 **Impact CR-3: Would Alternative 1 directly or indirectly destroy a**
2 **unique paleontological resource or site or unique geologic feature?**

3 As described for the Proposed Project, the likelihood that paleontological resources are
4 present at the Berth 121-131 site is remote. Furthermore, because the Alternative 1 would
5 not involve any construction, there would be no potential to disturb such resources.

6 **CEQA Impact Determination**

7 Because Alternative 1 would not involve any activities that could lead to the loss of
8 paleontological resources, no impacts would occur.

9 ***Mitigation Measures***

10 No mitigation is required.

11 ***Residual Impacts***

12 No impacts would occur.

13 **NEPA Impact Determination**

14 Analysis of the No Project Alternative is not required under NEPA. NEPA requires the
15 analysis of a No Federal Action Alternative (Alternative 2 in this document).

16 ***Mitigation Measures***

17 Mitigation measures are not applicable.

18 ***Residual Impacts***

19 An impact determination is not applicable.

20 **Impact CR-4: Would Alternative 1 cause a substantial adverse**
21 **change in the significance of a tribal cultural resource, defined in**
22 **Public Resources Code section 21074 as either a site, feature, place,**
23 **cultural landscape that is geographically defined in terms of the size**
24 **and scope of the landscape, sacred place, or object with cultural**
25 **value to a California Native American tribe, and that is:**

- 26 a) **Listed or eligible for listing in the California Register of**
27 **Historical Resources, or in a local register of historical**
28 **resources as defined in Public Resources Code section**
29 **5020.1(k), or**
- 30 b) **A resource determined by the lead agency, in its discretion**
31 **and supported by substantial evidence, to be significant**
32 **pursuant to criteria set forth in subdivision (c) of Public**
33 **Resources Code Section 5024.1. In applying the criteria set**
34 **forth in subdivision (c) of Public Resources Code Section**
35 **5024.1, the lead agency shall consider the significance of the**
36 **resource to a California Native American tribe?**

37 As described above for the Proposed Project, the majority of the site consists of
38 engineered fill material has been redeveloped several times in the past century, which has
39 no potential for containing intact tribal cultural resources. The NAHC informed the

1 USACE that no sacred lands were known to occur within the APE, and no tribal
2 representatives commented on the Proposed Project.

3 Because Alternative 1 would not involve any construction, Alternative 1 would not have
4 the potential to cause adverse effects to tribal cultural resources.

5 **CEQA Impact Determination**

6 Because no construction would occur, Alternative 1 would have no impact on tribal
7 cultural resources.

8 ***Mitigation Measures***

9 No mitigation is required.

10 ***Residual Impacts***

11 No impacts would occur.

12 **NEPA Impact Determination**

13 Analysis of the No Project Alternative is not required under NEPA. NEPA requires the
14 analysis of a No Federal Action Alternative (Alternative 2 in this document).

15 ***Mitigation Measures***

16 Mitigation measures are not applicable.

17 ***Residual Impacts***

18 An impact determination is not applicable.

19 **Alternative 2 – No Federal Action**

20 Alternative 2 consists of the activities that would occur absent a USACE permit, which
21 would consist of the backland elements of the Proposed Project, i.e., expansion of the
22 WBICTF railyard and installation of RMG cranes and their electrical infrastructure at the
23 railyard. Those activities would require state and local permits and thus constitute a
24 project under CEQA. In-water elements such as dredging, dredged material disposal, and
25 wharf construction would not occur. Alternative 2 also constitutes the NEPA baseline.

26 **Impact CR-1: Would Alternative 2 cause a substantial adverse 27 change in the significance of a historical resource as defined in 28 Section 15064?**

29 As described for the Proposed Project (Section 3.4.4.3.1), the cultural resources research
30 conducted in 2014 by SWCA and GPA Consulting (Section 3.4.2.4) determined that there
31 are two built-environment resources on or near the project site which were previously
32 evaluated for NRHP and CRHR eligibility. One consists of areas south of the terminal
33 (wharves at Berths 104, 108-109, and 115) and the other consists of a rail line originally
34 built as part of the railroads' expansion into the San Pedro area. Neither of the two
35 identified built-environment resources was determined to be eligible for the NRHP or the
36 CRHR.

37 There are no other structures on the terminal or in the vicinity of the Proposed Project
38 that are more than 45 years old. Accordingly, an evaluation and determination of
39 eligibility is not required.

1 **CEQA Impact Determination**

2 Because construction and operation of the Berths 121-131 Terminal under the No Federal
3 Action Alternative would not have the potential to affect built historical resources,
4 Alternative 2 has no potential for adverse effects on built-environment historical
5 resources in the project area, and no impacts would occur.

6 ***Mitigation Measures***

7 No mitigation is required.

8 ***Residual Impacts***

9 No impacts would occur.

10 **NEPA Impact Determination**

11 There would be no difference between Alternative 2 and the NEPA baseline; accordingly,
12 Alternative 2 would result in no impact.

13 ***Mitigation Measures***

14 No mitigation is required.

15 ***Residual Impacts***

16 No impacts would occur.

17 **Impact CR-2: Would Alternative 2 cause a substantial adverse
18 change in the significance of an archaeological resource pursuant to
19 § 15064.5?**

20 No archaeological resources are known to exist in the project area. Construction of
21 Alternative 2 would involve at most the upper few feet of base material, ballast, and soils
22 underneath the existing container yard. This material consists of previously disturbed
23 native soils and previously placed fill and structural material such as gravel and crushed
24 base, and has very limited potential for containing archaeological resources.

25 **CEQA Impact Determination**

26 Because Alternative 2 would not involve construction that could encounter or disturb
27 archaeological resources, impacts would be less than significant.

28 ***Mitigation Measures***

29 No mitigation is required.

30 ***Residual Impacts***

31 Impacts would be less than significant.

32 **NEPA Impact Determination**

33 There would be no difference between Alternative 2 and the NEPA baseline; accordingly,
34 Alternative 2 would result in no impact.

35 ***Mitigation Measures***

36 No mitigation is required.

1 ***Residual Impacts***

2 No impacts would occur.

3 **Impact CR-3: Would Alternative 2 result in the permanent loss of, or**
4 **loss of access to, a significant paleontological resource?**

5 As described above for the Proposed Project, no paleontological resources have been
6 identified within the Berths 121-131 Terminal area and the nature of the soils underlying
7 the terminal make the presence of such resources extremely unlikely. The No Federal
8 Action Alternative would not involve construction that could disturb any paleontological
9 resources because it would occur in shallow soils and base materials placed during
10 previous construction.

11 **CEQA Impact Determination**

12 Based on the analysis above, construction of the Proposed Project would have little
13 potential to destroy a paleontological resource. Accordingly, impacts would be less than
14 significant.

15 ***Mitigation Measures***

16 No mitigation is required.

17 ***Residual Impacts***

18 Impacts would be less than significant.

19 **NEPA Impact Determination**

20 There would be no difference between Alternative 2 and the NEPA baseline; accordingly,
21 Alternative 2 would result in no impact.

22 ***Mitigation Measures***

23 No mitigation is required.

24 ***Residual Impacts***

25 No impacts would occur.

26 **Impact CR-4: Would Alternative 2 cause a substantial adverse**
27 **change in the significance of a tribal cultural resource, defined in**
28 **Public Resources Code section 21074 as either a site, feature, place,**
29 **cultural landscape that is geographically defined in terms of the size**
30 **and scope of the landscape, sacred place, or object with cultural**
31 **value to a California Native American tribe, and that is:**

32 a) **Listed or eligible for listing in the California Register of**
33 **Historical Resources, or in a local register of historical**
34 **resources as defined in Public Resources Code section**
35 **5020.1(k), or**

36 b) **A resource determined by the lead agency, in its discretion**
37 **and supported by substantial evidence, to be significant**
38 **pursuant to criteria set forth in subdivision (c) of Public**

1 **Resources Code Section 5024.1. In applying the criteria set**
2 **forth in subdivision (c) of Public Resources Code Section**
3 **5024.1, the lead agency shall consider the significance of the**
4 **resource to a California Native American tribe?**

5 As described above for the Proposed Project, the majority of the site on which
6 construction of the expanded railyard would occur consists of engineered fill material has
7 been redeveloped several times in the past century, which has no potential for containing
8 intact cultural resources. That fact and consultation with Native American tribes has lead
9 USACE and LAHD to conclude there are no known tribal cultural resources present in
10 the proposed construction area.

11 **CEQA Impact Determination**

12 Because the potential for impacts on unknown archaeological and ethnographic resources
13 is remote, impacts would be less than significant. However, the LAHD, in response to a
14 comment by the Native American Heritage Commission on the Notice of Preparation and
15 to ensure the protection archeological and ethnographic resources, would apply Standard
16 Condition (SC) CR-1 (Stop Work in the Area if Prehistoric and/or Archaeological
17 Resources are Encountered; see Impact CR-4 for the Proposed Project, above) as a
18 condition of construction permit approval.

19 ***Mitigation Measures***

20 No mitigation is required.

21 ***Residual Impacts***

22 Impacts would be less than significant.

23 **NEPA Impact Determination**

24 There would be no difference between Alternative 2 and the NEPA baseline; accordingly,
25 Alternative 2 would result in no impact.

26 ***Mitigation Measures***

27 No mitigation is required.

28 ***Residual Impacts***

29 No impacts would occur.

30 **Summary of Impact Determinations**

31 Table 3.4-2 summarizes the CEQA and NEPA impact determinations of the Proposed
32 Project and alternatives related to cultural resources, as described in the detailed
33 discussion above. This table is meant to allow easy comparison between the potential
34 impacts of the Proposed Project and alternatives with respect to this resource. Identified
35 potential impacts may be based on federal, state, or City significance criteria; LAHD
36 criteria; and the scientific judgment of the report preparers.

37 For each impact threshold, the table describes the impact, notes the NEPA and CEQA
38 impact determinations, describes any applicable mitigation measures, and notes the
39 residual impacts (i.e., the impact remaining after mitigation). All impacts, whether
40 significant or not, are included in this table.

Table 3.4-2: Summary Matrix of Potential Impacts and Mitigation Measures for Cultural Resources and Tribal Cultural Resources Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
Proposed Project	CR-1: Would the Proposed Project cause a substantial adverse change in the significance of a historical resource as defined in Section 150645?	CEQA: No impact	No mitigation is required.	CEQA: No impact
		NEPA: No impact	No mitigation is required.	NEPA: No impact
	CR-2: Would the Proposed Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	CEQA: Less than significant	No mitigation is required.	CEQA: Less than significant
		NEPA: No impact	No mitigation is required.	NEPA: No impact
	CR-3: Would the Proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	CEQA: Less than significant	No mitigation is required.	CEQA: Less than significant
		NEPA: Less than significant	No mitigation is required.	NEPA: Less than significant
	CR-4: Would the Proposed 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: a) 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 b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be	CEQA: Less than significant	No mitigation is required; however, SC CR-1 would be applied as a standard condition of approval.	CEQA: Less than significant
		NEPA: No impact	No mitigation is required.	NEPA: No impact

Table 3.4-2: Summary Matrix of Potential Impacts and Mitigation Measures for Cultural Resources and Tribal Cultural Resources Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
	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.			
Alternative 1 – No Project	CR-1: Would Alternative 1 cause a substantial adverse change in the significance of a historical resource as defined in Section 15064?	CEQA: No impact	Mitigation not applicable.	CEQA: No impact
		NEPA: Not applicable	Mitigation not applicable	NEPA: Not applicable
	CR-2: Would Alternative 1 cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	CEQA: No impact	Mitigation not applicable.	CEQA: No impact
		NEPA: Not applicable	Mitigation not applicable.	NEPA: Not applicable
	CR-3: Would Alternative 1 directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	CEQA: Less than significant	Mitigation not applicable.	CEQA: Less than significant
		NEPA: Less than significant	Mitigation not applicable.	NEPA: Less than significant
	CR-4: Would Alternative 1 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: a) Listed or eligible for listing in the California Register of Historical	CEQA: No impact	Mitigation not applicable.	CEQA: No impact
		NEPA: Not applicable	Mitigation not applicable.	NEPA: Not applicable

Table 3.4-2: Summary Matrix of Potential Impacts and Mitigation Measures for Cultural Resources and Tribal Cultural Resources Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
	Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or b) 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.			
Alternative 2 – No Federal Action	CR-1: Would Alternative 2 cause a substantial adverse change in the significance of a historical resource as defined in Section 15064?	CEQA: No impact	No mitigation is required.	CEQA: No impact
		NEPA: No impact	No mitigation is required.	NEPA: No impact
	CR-2: Would Alternative 2 cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	CEQA: Less than significant	No mitigation is required.	CEQA: Less than significant
		NEPA: No impact	No mitigation is required.	NEPA: No impact
	CR-3: Would Alternative 2 directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	CEQA: Less than significant	No mitigation is required.	CEQA: Less than significant
		NEPA: No impact	No mitigation is required.	NEPA: No impact
CR-4: Would Alternative 2 cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources	CEQA: Less than significant	No mitigation is required; however, SC CR-1 would be applied as a standard condition of approval.	CEQA: Less than significant	

Table 3.4-2: Summary Matrix of Potential Impacts and Mitigation Measures for Cultural Resources and Tribal Cultural Resources Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
	<p>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:</p> <p>a) 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</p> <p>b) 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.</p>	<p>NEPA: No impact</p>	<p>No mitigation is required.</p>	<p>NEPA: No impact</p>

3.4.4.4 Mitigation Monitoring

In the absence of significant impacts, mitigation measures are not required. However, the following standard condition of approval (discussed under Impact CR-2 in Section 3.4.4.3) has been added to the Proposed Project and Alternative 2.

- **SC CR-1: Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered.** In the unlikely event that any prehistoric artifact of historic period materials or bone, shell, or nonnative stone is encountered during construction, work shall be immediately stopped, the area secured, and work relocated to another area until the found materials can be assessed by a qualified archaeologist. Examples of such cultural materials might include historical trash pits containing bottles and/or ceramics; or structural remains or concentrations of grinding stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; and flakes of stone not consistent with the immediate geology such as obsidian or fused shale. The contractor shall stop construction within (30 feet) of the exposure of these finds until a qualified archaeologist can be retained by LAHD to evaluate the find (see 36 CFR 800.11.1 and 14 CCR 15064.5(f)). If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with Section 106 of the NHPA or State Historic Preservation Officer Guidelines.

3.4.5 Significant Unavoidable Impacts

No significant unavoidable impacts on historical, archaeological, tribal cultural, or paleontological resources would occur during construction at the Project site under either the Proposed Project or any alternative.