

IV. Environmental Impact Analysis

J. Tribal Cultural Resources

1. Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project pursuant to the requirements of the California Environmental Quality Act (CEQA), as amended by Assembly Bill (AB) 52, as well as the results of the analysis of resources in the *Tribal Cultural Resources Review for the 130 West College Street Project* (Tribal Report) prepared by SWCA Environmental Consultants (SWCA) in August 2024 and included as Appendix J of this Draft EIR. The Native American consultation documentation is provided in Confidential Appendix D of the Tribal Report and is on file at the Department of City Planning.

2. Environmental Setting

a. Regulatory Framework

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

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

(1) State

(a) Assembly Bill 52

AB 52 was approved on September 25, 2014. AB 52 amended California Public Resources Code (PRC) Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Sections 21074(a)(1) and (2) define

tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 21074(b) as a cultural landscape that meets the criteria in PRC Section 21074(a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 21074(c) provides that a historical resource described in PRC Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a “nonunique archaeological resource” as defined in PRC Section 21083.2(h) may also be a tribal cultural resource if it conforms with the criteria in PRC Section 21074(a).

PRC Section 21080.3.1 requires that, within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern.¹ Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation.²

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation of tribal cultural resources; and mitigation measures capable of avoiding or substantially lessening potential significant impacts to tribal cultural resources. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.³

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a mitigated negative declaration for a project with a significant impact on an identified tribal cultural resource, only if a California Native American tribe has requested consultation pursuant to PRC Section 21080.3.1 and has failed to provide comments to the lead agency,

¹ *Public Resources Code, Sections 21080.3.1(b) and (c).*

² *Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e).*

³ *Public Resources Code, Section 21080.3.2(b).*

or requested a consultation but failed to engage in the consultation process, or the consultation process occurred and was concluded as described above, or if the California Native American tribe did not request consultation within 30 days.⁴

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

Confidentiality does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by a California Native American tribe, are independently developed by the Applicant or the Applicant's agents, or are lawfully obtained by the Applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.⁵

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

(b) California Public Resources Code

PRC Section 5097.98, as amended by AB 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (NAHC), upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for

⁴ *Public Resources Code, Sections 21082.3(d)(2) and (3).*

⁵ *Public Resources Code, Section 21082.3(c)(2)(B).*

the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the land owner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

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

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

A person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

(c) California Penal Code

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

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

(d) Public Resources Code Section 5024.1

PRC Section 5024.1 establishes the California Register as an authoritative guide to be used by state and local agencies, private groups, and citizens to identify the State's historical resources, including tribal cultural resources, and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The California Register includes buildings, sites, structures, objects and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

b. Existing Conditions

The following discussion is based on the Tribal Report, included as Appendix J of this Draft EIR, which provides supporting information including relevant maps.

(1) Existing Project Site Conditions

The Project Site is located in a highly urbanized area within the Central City North Community Plan area which is characterized by a mix of low to mid rise buildings containing a variety of industrial, commercial, and residential uses. The Project Site is currently developed with a surface asphalt parking lot used for bus storage. There are no buildings or landscaping within the Project Site but there is a billboard, lighting, a shipping container, six electric bus chargers, and fencing.

As discussed in the Tribal Report, included as Appendix J of this Draft EIR, the Project Site is located in the northwest of the Los Angeles Basin, a broad, level plain defined by Pacific Ocean to the west, the Santa Monica Hills and Puente Hills to the north, and the Santa Ana Mountains and San Joaquin Hills to the south. This extensive alluvial wash basin is filled with Quaternary alluvial sediments deposited as unconsolidated material eroded from the surrounding hills. Several major watercourses drain the Los Angeles Basin, including the Los Angeles, Rio Hondo, San Gabriel, and Santa Ana Rivers. The Project Site and vicinity are within a fully urbanized setting on an open aspect plain at an elevation of approximately 287 to 291 feet above mean sea level.

Based on the Geotechnical Investigation prepared for the Project by Langan Engineering and Environmental Services, Inc., dated February 2023 (see Appendix IS-2 of the Initial Study included as Appendix A of this Draft EIR), the uppermost stratum identified in the sediment profiles is described as fill, which sits below 4 to 5 inches of asphalt, and extends from approximately 1 to 5 feet below ground surface. The fill soils are described as dark brown, moist silty sand, clayey sand, with variable amounts of gravel. Below the fill, soils were characterized as young alluvium, which extends to a maximum depth of approximately 66.5 feet below ground surface. The alluvial soils were described as brown,

yellow-brown, to whitish brown medium dense to very dense soils and moist fine to coarse sand with variable amounts of silt and gravel.

(2) Ethnographic Overview

The Project Site is in an area historically occupied by the Gabrielino (sometimes spelled Gabrieleno or Gabrieleño). Surrounding Native American groups included the Chumash to the northwest, the Tataviam/Alliklik to the north, who traditionally occupied the San Fernando Valley and some of the surrounding areas, the Serrano to the east, and the Luiseño/Juaneño to the south. There was well-documented interaction between the Gabrielino and many of their neighbors in the form of intermarriage and trade.

The name Gabrielino is a term designated through Spanish custom, which named local tribes according to the nearest mission. Native Americans near Mission San Gabriel Arcángel were therefore named “Gabrielino.” There is little evidence that the people we call Gabrielino had a broad term for their group. Instead, they reportedly identified themselves as inhabitants of a specific community with locational suffixes; for example, a resident of Yaanga was referred to as a Yabit, much the same way that a resident of New York is called a New Yorker. Native words that have been suggested for the broader group of Native Americans indigenous to the Los Angeles region also include Tongva and Kizh, although there is evidence that these terms originally referred to local places or smaller groups of people within the larger group that we now call Gabrielino. Many present-day descendants of these people have taken on Tongva and Kizh as a preferred group name, in part because of the Native American rather than Spanish origin. Because there is no agreement over the most appropriate indigenous term for this group, unless referring to a specific tribe, the term Gabrielino is used in the Tribal Report and the remainder of this discussion to designate Native people of the Los Angeles Basin and southern Channel Islands and their descendants.

The Gabrielino subsistence economy centered on hunting and gathering. Like for most Native Californians, acorns were their staple food. Inhabitants supplemented acorns with the roots, leaves, seeds, and fruits of a variety of flora (e.g., islay, cactus, yucca, sages, and agave). Freshwater and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

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

a variety of vessels. Catalina Island steatite (soapstone) was used to make ollas and cooking vessels.

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

(3) Native American Settlements and Sites in the Project Vicinity

As discussed in the Tribal Report, although the precise location of any given village is subject to much speculation, it is clear the banks of the Los Angeles River were home to many Gabrielino villages throughout the greater Los Angeles area. The closest ethnographically documented village to the Project Site is Yaanga. Although the actual location is disputed, generally Yaanga is believed to have been located near present-day Union Station, approximately 0.2 miles south of the Project Site.

Yaanga is among the major Native American communities encountered by the Portola party when they passed through the Los Angeles Basin in 1769 and was perhaps the largest Gabrielino settlement within the Los Angeles Basin. The location of Yaanga has long been considered synonymous with that of Los Angeles, first as the Spanish pueblo, then the town and city. Historians and archaeologists have presented multiple village locations in the general area surrounding Union Station; however, like the pueblo itself, it is likely that the village was relocated from time to time due to major shifts of the Los Angeles River during years of intense flooding. After the settlement of Los Angeles in 1781, Yaanga faced many new challenges because of its proximity to the new city. The last recorded birth at Yaanga is believed to have been in 1813, after which the village was forced to relocate south of the original site. This new village, known as Ranchería De Los Poblanos by the Angelenos, is believed to have been located at the intersection of Los Angeles Street and 1st Street, approximately 0.9 miles south of the Project Site. The indigenous population at the rancheria was forced to relocate several more times until 1847 when legislation was passed to require Native Americans to live in dispersed settlements or with their employers.

Aside from the ethnographic evidence suggesting the location of these villages, little direct, indisputable archaeological evidence for the location of either village has been produced to date. Archaeological materials reportedly were unearthed during the construction of Union Station in 1939, and “considerably more” in 1970 during the rebuilding of the Bella Union Hotel on the 300 block north of Main Street. Furthermore, during

construction of the Metropolitan Water District headquarters building in the mid-1990s, approximately 0.5 miles south of the Project Site, an archaeological site (CA-LAN-1575/H) was identified and included a substantial Native American component composed of artifacts and primary internments and cremation reburials. In 2019, during construction of Metro's Patsaouras Bus Plaza Station, which was partly within the boundary of CA-LAN-1575/H, new site components were identified that included Native American human remains and artifacts, as well as historic era deposits (i.e., not affiliated with Native Americans). The new site components are consistent with the types and ages identified in CA-LAN-1575/H. Some of these new discoveries were identified within the boundary designated for CA-LAN-1575/H, but the majority extend east along US 101 and Interstate 10.

While most of the natural landscape features that would have characterized Yaanga and its surroundings are no longer present and the precise location of the settlement remains an open question, the general location still retains its association with Yaanga and is considered an important place by contemporary Gabrielino groups. The proximity of Yaanga to a massive sycamore tree known as El Aliso is also commonly cited and often referred to synonymously with that of Yaanga. The tree is visible in early photographs and plotted on maps showing the vineyard and winery established by Louis Vignes. A memorial plaque was recently placed to commemorate Yaanga and its location—on the north side of Commercial Street near the intersection with Vignes Street, approximately 0.6 miles southeast of the Project Site. The location was chosen based on proximity to the place where El Aliso had once grown, which was in what is now in the below-grade corridor excavated for US 101.

A second settlement, Geveronga, was recorded in mission registers and has also been described in ethnographic accounts as immediately adjoining the Pueblo of Los Angeles. The approximated location for Geveronga is 2.6 miles southeast of the Project Site. By contrast to Yaanga, very little is known about Geveronga, except that it was mentioned in ethnographic accounts as having been a settlement immediately adjoining the Pueblo of Los Angeles, and that Mission San Gabriel records identify 31 people as having come from here between 1788 and 1809.

(4) Sensitivity Assessment

As discussed in the Tribal Report, SWCA conducted a sensitivity assessment to assess the potential for tribal cultural resources that are archaeological in nature to be preserved below the surface of the Project Site. Although not all tribal cultural resources are archaeological in nature, those likely to be preserved below the surface are likely to fit the definition of an archaeological and tribal cultural resource. The location of buried archaeological deposits, including those that are potential tribal cultural resources, is unpredictable in nature; however, combining information from different sources can allow for a qualitative assessment of the likelihood for a buried tribal cultural resource to be present within a given area. Accordingly, sensitivity assessments are qualitative or probabilistic in

nature, ranging along a spectrum of increasing probability designated as low, moderate, and high sensitivity.

Based on the results of the sensitivity assessment, the proximity of the area of potential impact (API) to the known site of Yaanga and significant Native American-affiliated archaeological finds in the vicinity discussed further below suggests an increase possibility for the presence of tribal cultural resources to occur within portions of the API. Additionally, the depositional patterns within portions of the API are favorable for the preservation of tribal cultural resources. Within the API there is a relatively thin layer of fill is underlain by young alluvial deposits, which have the potential to contain a Native American site or objects that could be a tribal cultural resource. Based on these findings, the overall sensitivity for tribal cultural resources is considered moderate.

(5) Background Research

(a) SCCIC Records Search

The South Central Coastal Information Center (SCCIC) provided the results of the California Historical Records Information System (CHRIS) records search on January 6, 2023. As summarized in Table 1 of the Tribal Report, 36 cultural resources studies have been conducted within 0.25 miles of the Project Site. Of these, seven are mapped as intersecting portions of the Project's API⁶—five that intersect a segment of the utility trench for the proposed water line in Alameda Street and two for utility trenches within Main Street. None of the studies mapped as intersecting the Project's API included archaeological fieldwork or in-depth analysis specific to the API. Rather, these studies were prepared as overviews of comparatively large areas whose findings provide contextual information for the region but no data that have not otherwise been presented in the Tribal Report. Refer to Table 1 of the Tribal Report for a detailed list of these studies. The full records search results are included as Confidential Appendix A of the Tribal Report and are on file at the Department of City Planning.

(b) Previously Recorded Cultural Resources

The CHRIS records search identified a total of eight previously documented archaeological resources within a 0.25-mile-radius of the Project Site. One of the eight resources is mapped as intersecting the API and none of the previously recorded resources have been designated as a tribal cultural resource. The eight resources include two segments of the zanja, one historical site containing railroad segments, two historical sites

⁶ The API includes the Project Site plus several linear segments that would require excavation to install utility lines that extend outside the footprint of the Project Site and in the public right-of-way. See Figure 4 of the Tribal Report.

containing paving stone segments, and three historical sites containing various components including foundations, features, and artifacts. None of these archaeological resources are explicitly identified as containing Native American components from before Spanish colonization. The association between Native Americans and the construction, maintenance, and use of the zanjas, especially the Zanja Madre, has been noted by scholars and members of local tribes, but the resource itself has not been previously assessed as a tribal cultural resource.

As further discussed in the Tribal Report, there are five Native American archaeological sites that have been recorded within the Downtown Los Angeles area but outside of the 0.25-mile radius used for the CHRIS records search. The five sites are mapped within a 0.6-mile radius of the Project Site and include the following: a major Native American settlement containing multiple human burials (LAN-1575/H); an isolated bone from a Native American who lived more than 3000 years ago (LAN-4662); two sites (LAN-7/H and P-19-100515) containing a small number of artifacts that could be associated with Native American activities; and the Los Angeles Plaza Cemetery site (LAN-4218H), which historical records document as having individuals of Hispanic, Native American, and varied heritage buried in the cemetery.

(c) NAHC Sacred Lands File Search

On December 19, 2022, the NAHC submitted the results of a sacred lands file (SLF) search, which were positive. However, the NAHC did not provide additional information, details, or an explanation for the positive results and simply noted that the Gabrieleño Band of Mission Indians—Kizh Nation should be contacted for additional information pertaining to the positive result. The NAHC's SLF results also included a list of 10 Native American contacts who may have knowledge of cultural resources in or near the study area and recommended they be contacted. All tribal outreach and consultation conducted for the Project has been conducted by the City pursuant to the provisions of AB 52. Refer to Section 2.(5) below for a discussion of the AB 52 process.

(6) Assembly Bill 52 Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on April 12, 2024 to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern. All tribal representatives identified by the NAHC, as provided in Appendix B of the Tribal Report, were notified of the Project in compliance with AB 52. Letters were sent via FedEx and certified mail to the following California Native American tribes that requested notification:

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

The letters described the Project and asked for a written reply if consultation was requested. A record of the AB 52 request for consultation letters is included in Appendix C of the Tribal Report.

The City received one request for consultation via email, which was from the Gabrieleño Band of Mission Indians—Kizh Nation on July 9, 2024. The response included information in the body of the email, an attached letter providing additional information, and an additional 11 files consisting of maps from various sources and excerpts from two published books. Among the information submitted by the Gabrieleño Band of Mission Indians—Kizh Nation is a list of three proposed tribal cultural resource mitigation measures. The proposed measures involve retaining a Native American Monitor, a procedure for addressing unanticipated discoveries that are non-funerary and non-ceremonial in nature, and a procedure for addressing unanticipated discoveries that are funerary or ceremonial in nature. A copy of the email and attachments are included in Confidential Appendix D of the Tribal Report which is on file at the Department of City Planning. Consultation has been closed by the City as of the publication of this Draft EIR.

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

3. Project Impacts

a. Thresholds of Significance

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

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

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

The City's 2006 L.A. CEQA Thresholds Guide does not include any criteria to evaluate tribal cultural resources impacts. Thus, the potential for the Project to result in impacts to tribal cultural resources is based on the Appendix G thresholds provided above.

b. Methodology

The Tribal Report includes a CHRIS records search that was completed at the SCCIC on January 6, 2023 for the Project Site and a 0.25-mile radius. The records search included SCCIC's collections of mapped prehistoric, historic, and built environment resources, Department of Parks and Recreation site records, technical reports, and ethnographic references. Additional consulted sources included historical maps of the Project Site, the National Register of Historic Places, the California Register, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project area. As required by AB 52, California Native American Tribes had the opportunity to initiate consultation to address potential impacts associated with Native

American resources. The Tribal Report also includes a review of the consultation materials submitted to the City. Lastly, an SLF search was conducted by the NAHC to determine the presence of any recorded tribal cultural resources on the Project Site. The Project's potential to impact tribal cultural resources is assessed based on the record searches, academic and ethnographic research, and the results of the tribal consultation.

c. Project Design Features

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

d. Analysis of Project Impacts

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

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

(1) Impact Analysis

As summarized above and detailed in the Tribal Report, although the SLF search returned positive results, the CHRIS results were negative for any previously recorded sites or resources that may be a tribal cultural resource. However, as discussed above, five Native American archaeological sites are mapped within a 0.6-mile radius of the Project Site and the Project Site's proximity to the reported location for Yaanga (approximately 0.2 miles south of the Project Site) suggests there is an increased potential for a buried tribal cultural resource to be preserved within the Project Site and API. Furthermore, the sensitivity assessment found that the overall sensitivity for tribal cultural resources within the Project

Site and API is moderate within the naturally deposited alluvium beneath the overlying fill stratum, which is estimated to be between 1 and 5 feet deep.

As previously discussed, the City received one request for consultation from the Gabrieleño Band of Mission Indians—Kizh Nation in response to the notification letters sent by City pursuant to PRC Section 21080.3.1. All materials submitted as part of the tribal consultation were reviewed to determine if there is sufficient evidence for tribal cultural resources to exist within the API. As discussed in the Tribal Report, there is substantial evidence supporting some of the findings put forward by the Gabrieleño Band of Mission Indians—Kizh Nation, including conclusions regarding the level of sensitivity for buried resources that are based on the Project Site's proximity to the village of Yaanga. The existence of Yaanga is well documented and its cultural value is undisputed. Furthermore, the location of all physical traces associated with the occupation of Yaanga is not fully known. Therefore, considering the evidence from previously recorded archaeological sites in the Project vicinity, especially those from LAN-1575/H, the location of the Project Site on the alluvial plain, and the soils data obtained from the geotechnical testing within the Project Site, there is sufficient evidence to support the claim that the Project Site has sensitivity for tribal cultural resources.

The Project would require excavation for the proposed subterranean parking which would extend to a depth of up to 17 feet below ground surface. Therefore, based on the evidence described above, the possibility for a buried tribal cultural resource cannot be ruled out. **As such, impacts related to tribal cultural resources would be potentially significant prior to mitigation.**

(2) Mitigation Measures

The following mitigation measures are provided with respect to tribal cultural resources:

Mitigation Measure TCR-MM-1: Monitor Retention. Prior to commencing any Ground Disturbance Activities (as defined below) at the Project Site and affected off-site areas, the Applicant, or its successor, shall retain a qualified tribal monitor from and approved by the Gabrieleño Band of Mission Indians—Kizh Nation (the Tribe) and a qualified archaeological monitor. Ground Disturbance Activities shall include demolition, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil, potholing, pavement removal, grubbing, tree removals, boring, or a similar activity at the Project Site and affected off-site areas. A qualified archaeological monitor shall be identified as principal personnel who must meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic

Preservation, have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in Southern California, and shall ensure that all other personnel associated with and hired for the archaeological monitoring are appropriately trained and qualified. The Applicant, or its successor, the archaeological monitor, and the tribal monitor shall execute a monitoring agreement prior to the earlier of the commencement of any Ground Disturbing Activity, or the issuance of any permit necessary to commence a Ground Disturbing Activity.

Mitigation Measure TCR-MM-2: WEAP. Prior to commencing any Ground Disturbance Activities, the archaeological monitor, in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in Ground Disturbance Activities that includes information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during Ground Disturbance Activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor(s). The Applicant, or its successor, shall maintain on the Project Site, for potential City inspection, documentation establishing the WEAP training was completed for all members of the construction crew involved in Ground Disturbance Activities.

Mitigation Measure TCR-MM-3: On-Site Monitoring. The archaeological and tribal monitors shall observe all Ground Disturbance Activities on the Project Site and affected off-site areas at all times any Ground Disturbance Activities are taking place. If Ground Disturbance Activities are simultaneously occurring at multiple locations on the project site, an archaeological monitor and a tribal monitor(s) shall be assigned to each location where the Ground Disturbance Activities are occurring. The tribal monitor will complete daily monitoring logs that will provide descriptions and locations of the relevant Ground Disturbing Activities, the type of construction activities performed, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered "tribal cultural resources" as defined in California Public Resources Code (PRC) Section 21074, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Applicant and/or the City upon request to the Tribe. If any Project scheduled activities require the tribal monitor to leave the Project Site or affected off-site areas for a period of time and return, confirmation shall be submitted to the Tribe by the Applicant, or its successor, in writing, upon completion of each set of scheduled

activities and five (5) days' notice (if possible) shall be submitted to the Tribe by the Applicant, or its successor, in writing, prior to the start of each set of scheduled activities. The on-site monitoring shall end when either 1) confirmation is received from the Applicant, or its successor, in writing, that all scheduled activities pertaining to tribal monitoring and all Ground Disturbing Activities are completed; or 2) the Tribe provides a determination, in writing, that no future planned construction activity and/or development/construction phase at the Project Site or affected off-site areas possesses the potential to impact any tribal cultural resources.

Mitigation Measure TCR-MM-4: Discovery of Resources. In the event that any objects or artifacts that may be tribal cultural resources are encountered during the course of any Ground Disturbance Activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be 60 feet or otherwise determined by the archaeological monitor in consultation with the tribal monitor(s), until the potential "tribal cultural resources" are properly assessed and addressed by the archaeological monitor and the tribal monitor(s) pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all Ground Disturbance Activities in the immediate vicinity of the find (i.e. 60 feet or otherwise determined by the archaeological monitor) until the find can be assessed by the archaeological monitor and tribal monitor(s).
2. If the archaeological monitor and tribal monitor determine the resources are Native American in origin, the Tribe will recommend steps for treatment of all discovered tribal cultural resources in the form and/or manner the Tribe deems appropriate, in the Tribe's reasonable discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.
3. The Applicant, or its successor, shall implement the Tribe's recommendations if the archaeological monitor, in consultation with the tribal monitor, conclude that the Tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the Tribe, the archaeological monitor shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.

5. The Applicant, or its successor, may recommence Ground Disturbance Activities outside of the specified radius of the discovery site, so long as this radius has been reviewed by both the archaeological monitor and tribal monitor and determined to be reasonable and appropriate, and so long as the Applicant, or its successor, has complied with all of the recommendations developed and approved pursuant to the process set forth in Paragraphs 2 through 4 above.
6. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
7. Notwithstanding Paragraph 6 above, any information that Los Angeles Department of City Planning, in consultation with the Los Angeles City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California PRC, Section 6254(r), and handled in compliance with the City's Assembly Bill 52 Confidentiality Protocols.
8. Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken.

(3) Level of Significance After Mitigation

With implementation of Mitigation Measures TR-MM-1 through TR-MM-4, which are substantially consistent with and incorporates elements of the measures proposed by the Gabrieleño Band of Mission Indians—Kizh Nation, impacts to tribal cultural resources would be less than significant. Specifically, Mitigation Measures TR-MM-1 through TR-MM-4 require the retention of a construction monitor, pre-construction training, and, if necessary, evaluation of potential tribal cultural resources and further consultation with OHR and tribal representatives as appropriate.

e. Cumulative Impacts

(1) Impact Analysis

As indicated in Section III, Environmental Setting, of this Draft EIR, there are 21 related projects in the vicinity of the Project Site. While the majority of the related projects

are located a substantial distance from the Project Site, as shown in Figure III-1 in Section III, Environmental Setting, of this Draft EIR, several related projects are located in proximity to the Project Site. Collectively, the related projects near the Project Site involve a mix of apartments, condominiums, restaurants, hotels, office, industrial, and retail uses, consistent with existing uses in the vicinity of the Project Site.

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. Although impacts to tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project and related projects affected the same tribal cultural resources and communities. As discussed above, there are no known tribal cultural resources located within the API and all Project development would remain within the API. However, each related project would be required to conduct its own tribal cultural resource analysis, including AB 52 consultation, and implement site-specific mitigation measures, if necessary. In the event that tribal cultural resources are uncovered, each related project would also be required to comply with the applicable regulatory requirements discussed in detail above in Subsection IV.J.2.a beginning on page IV.J-1. Furthermore, as indicated in the Project-level analysis above, the Project would result in less than significant impacts to tribal cultural resources with implementation of Mitigation Measure TCR-MM-1. **Therefore, with implementation of Mitigation Measure TCR-MM-1, the Project's contribution to impacts to tribal cultural resources would not be cumulative considerable, and the cumulative impact would be less than significant.**

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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