

Appendix M

AB 52 Consultation Summary Report

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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ROCKY WILES
COMMISSION OFFICE MANAGER
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**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

October 16, 2017

Fernandeño Tataviam Band of Mission Indians
Kimia Fatehi, Director, Public Relations
1019 2nd Street, Ste. 1
San Fernando, CA 91340

RE: 676 Mateo Street Project
Case No. ENV-2016-3691-EIR

Dear Tribal Representative:

This letter is to inform you that the Los Angeles Department of City Planning is reviewing the proposed 676 Mateo Street Project (Project), as described in the following paragraph:

The Project proposes to demolish existing uses and developing a mixed-use building consisting of 185 live/work units, approximately 23,380 square feet of commercial uses and art production space, and associated parking on a 1.03-acre site located at 668-678 S. Mateo Street and 669-678 S. Imperial Street in the Central City North Community Plan area (the Project Site). The relatively flat site is bounded by Mateo Street to the west, Imperial Street to the east, a one-story warehouse building, associated surface parking lot and Jesse Street to the north, and single-story industrial and commercial buildings, associated parking lots, and E. 7th Street to the south. The Project Site is currently developed with one single-story industrial warehouse that occupies approximately 27,000 square feet of floor area, and associated surface parking. Eleven percent of the units (approximately 20 live/work units) would be deed-restricted for Very Low Income households. The proposed building would be approximately 110 feet (8 above-ground levels) tall and would include a three-level subterranean parking structure. The maximum depth of excavation to construct the subterranean parking structure is estimated to be 47 feet below ground surface.

Per AB 52, you have the right to consult on a proposed public or private project prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. You have 30 calendar days from receipt of this letter to notify us in writing that you wish to consult on this project. Please provide your contact information and mail your request to:

Los Angeles Department of City Planning
Attn: William Lamborn
200 N. Spring Street, Room 750
Los Angeles, CA 90012
Email: william.lamborn@lacity.org
Phone No.: 213.978.1470

Sincerely,

A handwritten signature in black ink, appearing to read 'William Lamborn', written in a cursive style.

William Lamborn
City Planner
Major Projects

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October 16, 2017

Gabrieleño Band of Mission Indians – Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393
Covina, CA 91723

RE: 676 Mateo Street Project
Case No. ENV-2016-3691-EIR

Dear Tribal Representative:

This letter is to inform you that the Los Angeles Department of City Planning is reviewing the proposed 676 Mateo Street Project (Project), as described in the following paragraph:

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October 16, 2017

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower, CA 90707

RE: 676 Mateo Street Project
Case No. ENV-2016-3691-EIR

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October 16, 2017

Gabrielino/Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908
Los Angeles, CA 90086

RE: 676 Mateo Street Project
Case No. ENV-2016-3691-EIR

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October 16, 2017

Gabrielino/Tongva Nation
Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., #231
Los Angeles, CA 90012

RE: 676 Mateo Street Project
Case No. ENV-2016-3691-EIR

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October 16, 2017

Gabrielino/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778

RE: 676 Mateo Street Project
Case No. ENV-2016-3691-EIR

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City Planner
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October 16, 2017

Gabrielino-Tongva Tribe
Charles Alvarez, Co-Chairperson
23454 Vanowen Street
West Hills, CA 91307

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October 16, 2017

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838
Newhall, CA 91322

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October 16, 2017

Soboba Band of Luiseño Indians
Joseph Ontiveros, Cultural Resource Director
P.O. Box 487
San Jacinto, CA 92581

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Torres Martinez Desert Cahuilla Indians
Michael Mirelez, Cultural Resource Coordinator
PO Box 1160
Thermal, CA 92274

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Dear Tribal Representative:

This letter is to inform you that the Los Angeles Department of City Planning is reviewing the proposed 676 Mateo Street Project (Project), as described in the following paragraph:

The Project proposes to demolish existing uses and developing a mixed-use building consisting of 185 live/work units, approximately 23,380 square feet of commercial uses and art production space, and associated parking on a 1.03-acre site located at 668-678 S. Mateo Street and 669-678 S. Imperial Street in the Central City North Community Plan area (the Project Site). The relatively flat site is bounded by Mateo Street to the west, Imperial Street to the east, a one-story warehouse building, associated surface parking lot and Jesse Street to the north, and single-story industrial and commercial buildings, associated parking lots, and E. 7th Street to the south. The Project Site is currently developed with one single-story industrial warehouse that occupies approximately 27,000 square feet of floor area, and associated surface parking. Eleven percent of the units (approximately 20 live/work units) would be deed-restricted for Very Low Income households. The proposed building would be approximately 110 feet (8 above-ground levels) tall and would include a three-level subterranean parking structure. The maximum depth of excavation to construct the subterranean parking structure is estimated to be 47 feet below ground surface.

Per AB 52, you have the right to consult on a proposed public or private project prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. You have 30 calendar days from receipt of this letter to notify us in writing that you wish to consult on this project. Please provide your contact information and mail your request to:

Los Angeles Department of City Planning
Attn: William Lamborn
200 N. Spring Street, Room 750
Los Angeles, CA 90012
Email: william.lamborn@lacity.org
Phone No.: 213.978.1470

Sincerely,

A handwritten signature in black ink, appearing to read 'William Lamborn', written in a cursive style.

William Lamborn
City Planner
Major Projects



626 Wilshire Boulevard
Suite 1100
Los Angeles, CA 90017
213.599.4300 **phone**
213.599.4301 **fax**

www.esassoc.com

December 6, 2017

Gayle Totton
Native American Heritage Commission
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
FAX- 916-373-5471

Subject: SLF Search Request for 676 Mateo Street Project (D171144.00)

Dear Ms. Totton:

Environmental Science Associates (ESA) is preparing a Phase I Cultural Assessment for the 676 Mateo Street Project (Project). The Project is located in downtown Los Angeles at the east side of Mateo Street, south of Jesse Street (Project area).

The Project includes mixed use commercial and residential development. The Project will remove three existing structures and a surface parking lot to construct an eight-story mixed use building in the Central City North Community Plan Area in the City of Los Angeles.

The attached map depicts the Project area located in a portion of the Los Angeles 7.5-minute USGS quadrangle, Township 1S, Range 13W.

In an effort to provide an adequate appraisal of all potential impacts to cultural resources that may result from the proposed Project, ESA is requesting that a records search be conducted for sacred lands or traditional cultural properties that may exist within the Project area.

Thank you for your time and cooperation regarding this matter. To expedite the delivery of search results, please fax them to 213.599.4301. Please contact me at 213.309.9240 or sdietler@esassoc.com if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Dietler", with a long horizontal line extending to the right.

Sara Dietler, B.A.
Cultural

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Room 100
West Sacramento, CA 95691
Phone: (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>



December 14, 2017

Sara Dietler
ESA Assoc

Sent by Email to: sdietler@esaassoc.com

RE: 676 Mateo Street Project (D171144.00), Los Angeles County

Dear Ms. Dietler:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact the Gabrieleno Band of Mission Indians-Kizh Nation on the attached list for more information. Other sources for cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these tribes, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3712.

Sincerely,

A handwritten signature in blue ink that reads "Katy Sanchez".

Katy Sanchez
Associate Environmental Planner

Attachment

Native American Heritage Commission

Native American Contacts

12/14/2017

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stenslie, Chair
365 North Poli Ave Chumash
Ojai , CA 93023
itumamait@hotmail.com
(805) 646-6214

Gabrieleno Band of Mission Indians - Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.com
(626) 926-4131

Barbareno/Ventureno Band of Mission Indians
Patrick Tumamait
992 El Camino Corto Chumash
Ojai , CA 93023
(805) 216-1253 Cell

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693 Gabrielino Tonava
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 483-3564 Cell

(626) 286-1262 Fax

Barbareno/Ventureno Band of Mission Indians
Eleanor Arrellanes
P.O. Box 5687 Chumash
Ventura , CA 93005
(805) 701-3246

Gabrielino /Tonava Nation
Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., #231 Gabrielino Tonava
Los Angeles , CA 90012
sgoad@gabrielino-tonava.com
(951) 807-0479

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court Chumash
Camarillo , CA 93012
(805) 427-0015

Gabrielino-Tonava Tribe
Linda Candelaria
23454 Vanowen St. Gabrielino
West Hills , CA 91307
palmsprings9@yahoo.com
(626) 676-1184 Cell

Fernandeno Tataviam Band of Mission Indians
Rudy Ortega Jr., Tribal President
1019 Second Street, Suite 1 Fernandeno
San Fernando , CA 91340 Tataviam
rortega@tataviam-nsn.us
(818) 837-0794 Office

Gabrielino-Tonava Tribe
Charles Alvarez, Chairperson
23454 Vanowen St.
West Hills , CA 91307
roadkingcharles@aol.com
(310) 403-6048

(818) 837-0796 Fax

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessments for the 676 Mateo Street Project
D1171144.00), Los Angeles County.

**Native American Heritage Commission
Native American Contacts
12/14/2017**

Kern Valley Indian Community
Robert Robinson. Chairperson
P.O. Box 1010
Lake Isabella , CA 93283
brobinson@iwwisp.com
(760) 378-2915 Cell

Tubatulabal
Kawaiisu

Santa Ynez Band of Chumash Indians
Kenneth Kahn. Chairperson
P.O. Box 517
Santa Ynez , CA 93460
kkahn@santaynezchumash.org
(805) 688-7997

Chumash

(805) 686-9578 Fax

Kitanemuk & Yowlumne Teion Indians
Delia Dominguez. Chairperson
115 Radio Street
Bakersfield , CA 93305
deedominguez@juno.com
(626) 339-6785

Yowlumne
Kitanemuk

Soboba Band of Luiseno Indians
Joseph Ontiveros. Cultural Resource Department
P.O. BOX 487
San Jacinto , CA 92581
iontiveros@soboba-nsn.gov
(951) 663-5279
(951) 654-5544 ext 4137
(951) 654-4198 Fax

Luiseno
Cahuilla

San Fernando Band of Mission Indians
John Valenzuela. Chairperson
P.O. Box 221838
Newhall , CA 91322
(760) 885-0955 Cell

Fernandeno
Tataviam
Serrano
Vanyume
Kitanemuk

San Manuel Band of Mission Indians
Lee Clauss. Director-CRM Dept.
26569 Community Center Drive
Highland , CA 92346
lclauss@sanmanuel-nsn.gov
(909) 864-8933

Serrano

(909) 864-3370 Fax

San Manuel Band of Mission Indians
Lynn Valbuena
26569 Community Center Dr.
Highland , CA 92346
(909) 864-8933

Serrano

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessments for the 676 Mateo Street Project
D1171144.00), Los Angeles County.



Gabrieleno Band of Mission Indians – Kizh Nation

Protection of Tribal Cultural Resources (TCRs)

Most Important Things for Agencies to Know About AB52:

- An EIR, MND, or ND can not be certified until AB-52 tribal consultation has concluded.
- Agreed mitigation measures with the tribe, **MUST** be recommended for inclusion in the environmental document.
- Signature confirming acceptance of these mitigation measures recommended by our Tribal Government is required within 14 days of receipt to conclude AB52 consultation.

Tribal Cultural Resources Mitigation Measures within Kizh Nation Tribal Territory:

Note: To avoid compliance issues with the following laws, all Native American Monitoring shall be conducted by a documented lineal descendant from the ancestral Tribe of the project area (NAGPRA Law 10.14)

- The Native American Graves Protection and Repatriation Act (NAGPRA), Public Law-101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.
- CEQA Guidelines Section 15064.5, PRC 5097.98 (d)(1).
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

If you are receiving these measures, The Gabrieleno Band of Mission Indians Kizh -Nation are the direct lineal descendants of your project area. The Kizh Nation ONLY responds and consults on projects within their ANCESTRAL tribal territory. Therefore, to remain in compliance with above referenced laws and to enable our Tribe with the ability to protect and preserve our last remaining and irreplaceable Tribal Cultural Resources, it is recommended that the project applicant retain a qualified professional tribal monitor/consultant from the Gabrieleno Band of Mission Indians Kizh -Nation. The Kizh Nation possesses Tribal archives including documented historical information as well as multiple members who possess unique knowledge derived from oral tradition passed down through generations of the Tribe in order to provide the expertise needed to identify whether a project is located within a culturally sensitive area given its proximity to village areas, commerce areas, recreation areas, ceremonial areas, and burial locations.

Native American Heritage Commission (NAHC) Guidelines for Native American Monitors/Consultants

(approved 9/13/05): By acting as a liaison between Native American, archaeologist, developers, contactors and public agency, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extent of knowledge that should be expected.

Mitigation Guidelines for Tribal Cultural Resources (TCRs): CEQA now defines TCRs as an independent element separate from archaeological resources. Environmental documents shall address a separate Tribal Cultural Resources section that includes a thorough analysis of the impacts to only TCRs and includes separate and independent mitigation measures created with tribal input under AB-52 consultations. Therefore, all agreements, mitigation, and conditions of approval regarding TCRs shall be handled solely with the Tribal Government and conversely all agreements, mitigation, and conditions of approval regarding Archaeological Resources shall be handled by an Archaeological resource company.



MITIGATION MEASURES

Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.



Resource Assessment & Continuation of Work Protocol:

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

Treatment Measures:

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.



Professional Standards: 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. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Acceptance of Tribal Government Recommended Mitigation Measures:

By _____
Lead Agency Representative Signature

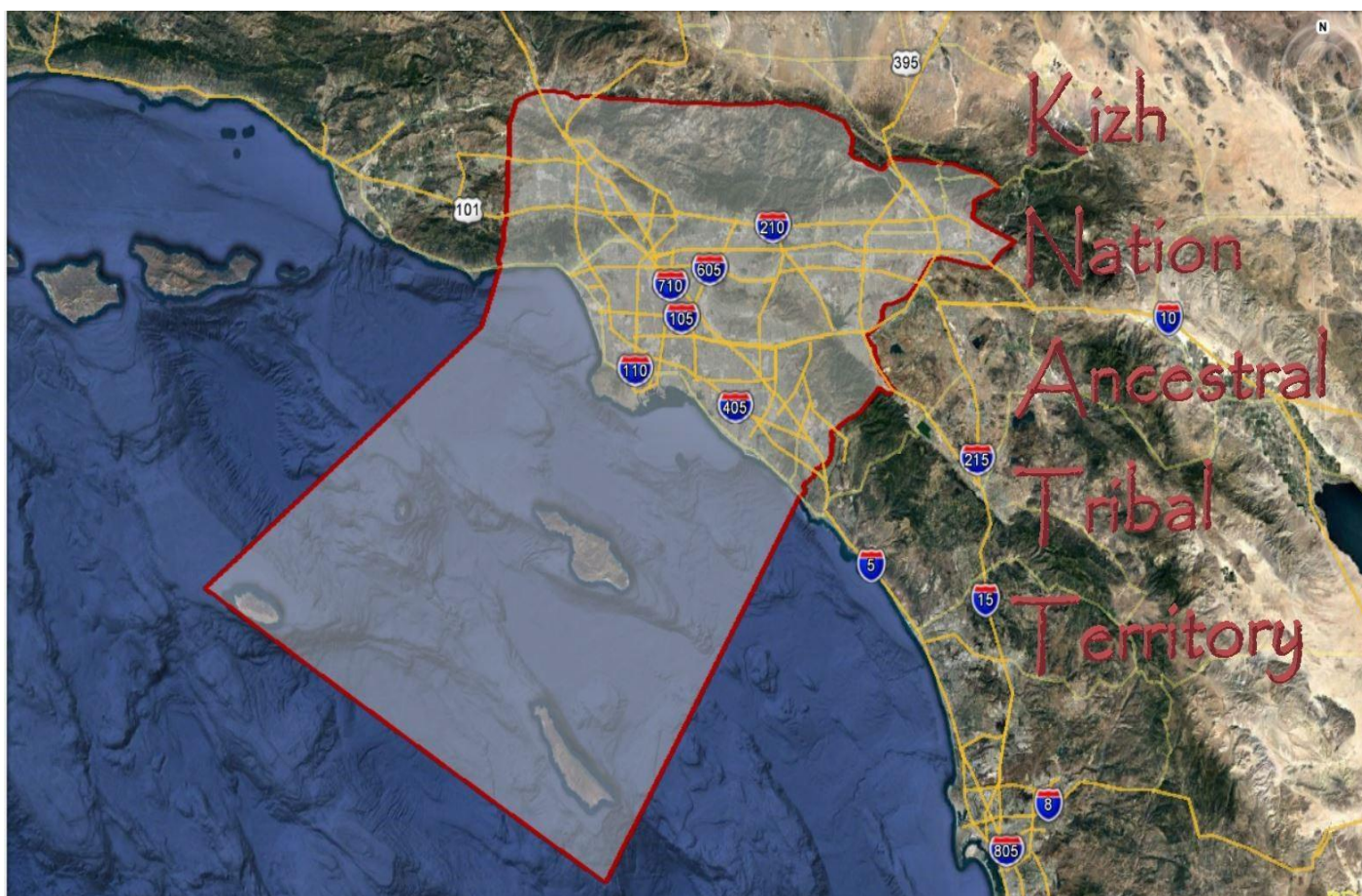
Date: _____

Revised: August 2018



Attachment A

Kizh Nation Ancestral Tribal Territory extended along the coast from Malibu Creek in Los Angeles County down to Aliso Creek in Orange County and encompassed the Channel Islands of Catalina (Pimugna), San Nicolas (Haraasnga), and San Clemente (Kiinkenga). Our inland border was the San Gabriel Mountains (Hidakupa) and eastwardly our territory extended to parts of San Bernardino (Waatsngna), Orange, and Riverside counties.



DEPARTMENT OF
CITY PLANNING
COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

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CAROLINE CHOE
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DANA M. PERLMAN

CITY OF LOS ANGELES CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

September 22, 2020

Andrew Salas
Tribal Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723

RE: AB 52 Completion of Consultation
676 Mateo Street Project at 668-678 S. Mateo Street; 669-679 S. Imperial Street, Los Angeles, CA 90021 (Case No. ENV-2016-3691-EIR) ("Proposed Project")

Dear Chairman Salas:

The purpose of this correspondence is to briefly summarize our combined efforts to engage in a meaningful and good faith consultation regarding the above named project's potential impacts to tribal cultural resources and to document the conclusion of the tribal consultation process, pursuant to Public Resources Code, section 21080.3.2. The following provides a brief summary of the history of tribal consultation regarding this project:

On October 16, 2017, the City mailed a project notification letter to the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe). On October 18, 2017, the City received the Tribe's request for tribal consultation. The City emailed Tribal Chairman Salas on November 8th requesting and finalizing a date and time to initiate the AB 52 consultation for the 676 Mateo Street (Proposed Project).

The tribal consultation process commenced on January 18, 2018 with a conference call between representatives of the Department of City Planning and the Tribe. Prior to the discussion, both the City and Tribe agreed that consultation for the Proposed Project could begin during this conference call.

During the conference call consultation we discussed the receipt of the Tribe's request for consultation and the general project information including proposed excavation activities, and existing soil conditions. Additionally, the Tribe stated that the project site is located in a sensitive area and within the vicinity of past village locations and trading routes, and the Tribe requested that a monitor be continuously on site for grading activities during Project construction.

Following the conference call, on January 18, 2018 the City emailed the Tribe with a written summary of what had been discussed in the call, and requested that the Tribe provide further information and maps related to the tribal history, villages and trading routes, or archaeological finds in the Project vicinity.

On July 3, 2018, the Department of City Planning sent a request for final information, asking for materials to be submitted in advance of Draft Environmental Impact Report publication.

August 21, 2019 the Tribe submitted the following:

- Historical maps from 1884, 1898 and 1938 with background information related to resources in the vicinity of the Project Site.
- Historical maps depicting the Zanja No.1 approximate location.
- Multiple text citations containing background information.

September 15, 2020 the City notified the Tribe of the City's intent to conclude consultation at publication of the DEIR.

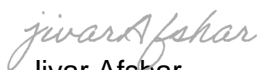
A review of the information provided did not find substantial evidence of an existing Tribal cultural resource within the project area. No evidence was submitted that considers the specific location of the project site, and no criteria were provided to indicate why the project area should be considered sensitive enough such that monitoring for Tribal cultural resources would be required to avoid adverse impacts.

As a result of the information provided in the tribal cultural resources report prepared for the Proposed Project, and information provided by the Tribe during and after the August 21, 2019 conference call, the City, after acting in good faith and after reasonable effort, has concluded that mutual agreement cannot be reached for purposes of AB 52. Based upon the record, the City has determined that no substantial evidence exists to support a conclusion that this Proposed Project may cause a significant impact on tribal cultural resources. Therefore, the City has no basis under CEQA to impose any related mitigation measures. However, as an additional protection, the City will add the attached condition of approval under its police powers to protect the inadvertent discovery of tribal cultural resources.

This notice serves to inform the Tribe of the City's intent to conclude consultation at publication of the DEIR, in a subsequent notice to the Tribe. The City will then release the Draft Environmental Impact Report for this project. The release of the Draft EIR will commence a 45 day period during which interested parties list and agencies, such as the Tribe, may submit written comments on the adequacy of the EIR.

The conclusion of consultation does not foreclose the ability of the City or Tribe to continue discussions about the Project. In the meantime please do not hesitate to contact me if you wish to share any additional information, comments, or concerns.

Respectfully,



Jivar Afshar
Planning Assistant
Department of City Planning – Major Projects

Condition of Approval - Tribal Cultural Resource Inadvertent Discovery

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities¹, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- 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.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

¹ Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity