

IV. Environmental Impact Analysis

J. Tribal Cultural Resources

1. Introduction

This section analyzes the Proposed Project's potential impacts upon tribal cultural resources. The findings and references presented in this section are based on the technical report in Appendix I to this Draft EIR: SWCA Environmental Consultants, *Tribal Cultural Resources Assessment for the 6300 West Third Street Project, Los Angeles, California*, October 12, 2020 (revised February 2, 2021).

2. Environmental Setting

a) Regulatory Framework

(1) State

(a) *Native American Historic Resource Protection Act (Assembly Bill 52)*

Recognizing that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources, the Native American Historic Resource Protection Act (Assembly Bill 52, or AB 52) was signed into law on September 25, 2014. AB 52 applies specifically to projects for which a Notice of Preparation or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration is filed on or after July 1, 2015. AB 52 amended 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 was to involve California Native American Tribes¹ early in the environmental process and to establish a new category of resources related to Native Americans, that require consideration under CEQA, known as tribal cultural resources. As set forth in PRC Section 21074:

¹ Per PRC Section 21073, a "California Native American tribe" means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for purposes of Chapter 905 of the Statutes of 2004.

(a) *“Tribal cultural resources” are either of the following:*

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.²

(2) 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 Section 5024.1.³ In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2,⁴ or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2⁵ may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

² Per subdivision (k) of PRC Section 5020.1, “local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

³ Subdivision (c) of PRC Section 5024.1 provides the National Register criteria for listing of historical resources in the California Register.

⁴ Per subdivision (g) of PRC Section 21083.2, a unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

⁵ Per subdivision (h) of PRC Section 21083.2, a non-unique archaeological resource means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A non-unique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

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 shall 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.⁶ 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.⁷

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; and mitigation measures. 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 (PRC Section 21080.3.2(b)).

Pursuant to Government Code Sections 6254 and 6254.10, and PRC Section 21082.3(c), information submitted by a California Native American tribe during consultation under AB 52 shall not be included in the environmental document or otherwise disclosed to the public by the lead agency, project applicant, or the project applicant's agent, unless written permission is given. However, confidentiality, does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the Project applicant or the Project applicant's agents, or are lawfully obtained by the Project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.⁸

PRC Section 21084.2 establishes that "a substantial adverse change to a tribal cultural resource has a significant effect on the environment." Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures "capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource."

⁶ PRC Section 21080.3.1(b)

⁷ PRC Sections 21080.3.1(d) and 21080.3.1(e)

⁸ PRC Section 21082.3(c)(2)(B)

(b) Public Resources Code Section 5024.1

Public Resources Code Section 5024.1 establishes the California Register of Historical Resources (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 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.

(c) California Health and Safety Code Section 7050.5

The disposition of burials falls first under the general prohibition on disturbing or removing human remains under California Health and Safety Code Section 7050.5. PRC Section 5097.98 and Health and Safety Code Section 7050.5 illustrate the process to be followed if human remains are discovered. If human remains are discovered during excavation activities, the following procedure shall be observed:

- Stop immediately and contact the County Coroner.
- If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
- The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the deceased Native American.
- The MLD has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- If the owner does not accept the MLD's recommendations, the owner or the MLD may request mediation by the NAHC.

b) Existing Conditions

The Project Site is in the Los Angeles Basin, a broad, level plain defined by the Pacific Ocean to the west, the Santa Monica Mountains and Puente Hills to the north, and the Santa Ana Mountains and San Joaquin Hills to the south. This extensive alluvial wash basin is filled with Quaternary alluvial sediments 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 56 meters (184 feet) above mean sea level. This site is located in the northern

portion of the Peninsular Ranges and approximately 1,000 feet south of the Santa Monica Fault Zone. This location is 14.2 km (8.8 miles) northeast from the current shoreline of the Pacific Ocean. An 1894 topographic map shows that before urbanization, the Project Site was on a relatively level alluvial plain southeast of the Santa Monica Mountains. One higher-order (i.e., smaller) stream is plotted east of the project site and is one of several small tributaries flowing into Ballona Creek—formerly the Los Angeles River—that would have seasonally drained water from the surrounding hills. Before the last decades of the nineteenth century, the Project Site and surrounding parts of the alluvial plain were used for ranching, followed by extensive industrial and commercial development during the late nineteenth and early twentieth centuries.

Six geotechnical bores were taken across the entirety of the project site measuring 20 cm (8 inches) in diameter and extending 4.75 m (15.5 feet) to 30.6 m (100.5 feet) below the concrete surface. The initial 1.5 m (5.0 feet) of the bore was described as fill composed of loose silty sand. Natural alluvial sediments composed the remainder of the sample and may extend past the 30.6 m (100.5 feet) bored for this project.⁹ The alluvium includes varying compositions of silty sand and sandy silt and sands.¹⁰ These alluvial deposits are consistent with depositional trends for the Los Angeles Basin.

(1) Cultural Setting

(a) *Ethnographic Overview*

The Project Site is in an area historically occupied by the Gabrielino. The name “Gabrielino” (sometimes spelled Gabrieleno or Gabrieleño) denotes those people who were administered by the Spanish from Mission San Gabriel. This group is now considered a regional dialect of the Gabrielino language, along with the Santa Catalina Island and San Nicolas Island dialects. Native words suggested as labels for the broader group of Native Americans in the Los Angeles region include Tongva (or Tong-v)¹¹ and Kizh¹², 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. Thus, the term Gabrielino is used in the remainder of this section to designate native people of the Los Angeles Basin and their descendants. Nevertheless, many present-day descendants

⁹ Geocon West, Inc., *Geotechnical Investigation, Proposed Mixed Use Development, The Southeast Corner of 3rd Street and Fairfax Avenue, CA, Revised November 16, 2018* (See Appendix A-E to the Initial Study, contained in Appendix A to this Draft EIR).

¹⁰ *Ibid.*

¹¹ Merriam 1955:7–86.

¹² *Kij or Kichereno; Heizer 1968:105.*

of these people have taken on Tongva as a preferred group name because it has a native rather than Spanish origin.¹³

The Gabrielino subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like that of most native Californians, acorns were the staple food (an established industry by the time of the Early Intermediate period). 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.¹⁴

The Gabrielino used a variety of tools and implements to gather and collect food resources. These included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Groups residing near the ocean used oceangoing plank canoes and tule balsa canoes for fishing, travel, and trade between the mainland and the Channel Islands.¹⁵ Gabrielino people processed food with a variety of tools, including hammer stones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels.¹⁶

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.¹⁷ Remains were buried in distinct burial areas, either associated with villages or without apparent village association.¹⁸ Cremation ashes have been found in archaeological contexts buried within stone bowls and in shell dishes¹⁹, as well as scattered among broken ground stone implements.²⁰ Archaeological data such as these correspond with ethnographic descriptions of an elaborate mourning ceremony that included a variety of offerings, including seeds, stone grinding tools, otter skins, baskets, wood tools, shell beads, bone and shell ornaments, and projectile points and knives. Offerings varied with the sex and status of the deceased.²¹

¹³ King 1994:12.

¹⁴ Bean and Smith 1978:546; Kroeber 1925:631–632; McCawley 1996:119–123, 128–131.

¹⁵ McCawley 1996:7.

¹⁶ Blackburn 1963; Kroeber 1925:629; McCawley 1996:129–138.

¹⁷ Harrington 1942; McCawley 1996:157.

¹⁸ Altschul et al. 2007.

¹⁹ Ashby and Winterbourne 1966:27.

²⁰ Cleland et al. 2007.

²¹ Dakin 1978:234–365; Johnston 1962:52–54; McCawley 1996:155–165.

(b) Native American Communities in Los Angeles

The settlement of Native American communities in Southern California during the prehistoric period has been studied extensively by archaeologists, including Chace (1969) who argued that coastal areas were used mainly for food procurement while villages were located inland; Hudson (1969, 1971) who argued that Native Americans moved seasonally between villages, located in sheltered coastal areas, inland prairies, and mountain areas, and temporal camps, located on the exposed coast; and Mason and Petersen (1994) who argued that major estuaries in the region were territory centers for clan-based groups in Rancherias, which were occupied year round while several smaller sites were used to gather resources during various times of the year.²² Generally, all models share the assumption that Native American groups in the region utilized various habitats, moving throughout the region at different times throughout the year. These prehistoric subsistence and settlement patterns are generally believed to have remained the same until the first permanent Native American settlement was established at Mission San Gabriel.²³

The precise location of most Native American villages in the Los Angeles Basin is subject to much speculation, maps depicting villages throughout the greater Los Angeles area show these sites located along rivers or streams, and several maps have been produced throughout the twentieth century depicting this settlement pattern (See Figure IV.J-1, Hypothetical Locations of Native American Villages Along the Los Angeles River and other Waterways in the Los Angeles Basin). Native American place-names referred to at the time of Spanish contact did not necessarily represent a continually occupied settlement within a discrete location, rather in at least some cases, the communities were represented by several smaller camps scattered throughout an approximate geography, shaped by natural features that were subject to change over generations.²⁴ Further complicating any efforts to pin-point the location of a village site is the fact that many of the villages had long since been abandoned by the time ethnographers, anthropologists, and historians attempted to document any of their locations. By the time any such effort was made, Native American lifeways had been irrevocably changed and the former village sites or areas were impacted by urban and agricultural development. In some cases, Spanish-era Rancho grants may have bounded Indian villages, and in others the Spanish ranchos adopted Native American placenames, such as Kaweenga, Tujunga, Topanga, and Cucamonga. Alternative names and spellings for communities, and conflicting reports on their meaning or locational reference further complicate efforts at determining the location of actual village sites. McCawley quotes Kroeber for his remarks

²² Douglass et al. 2016: 61-62.

²³ Douglass et al. 2016: 385.

²⁴ (see Johnston 1962:122)

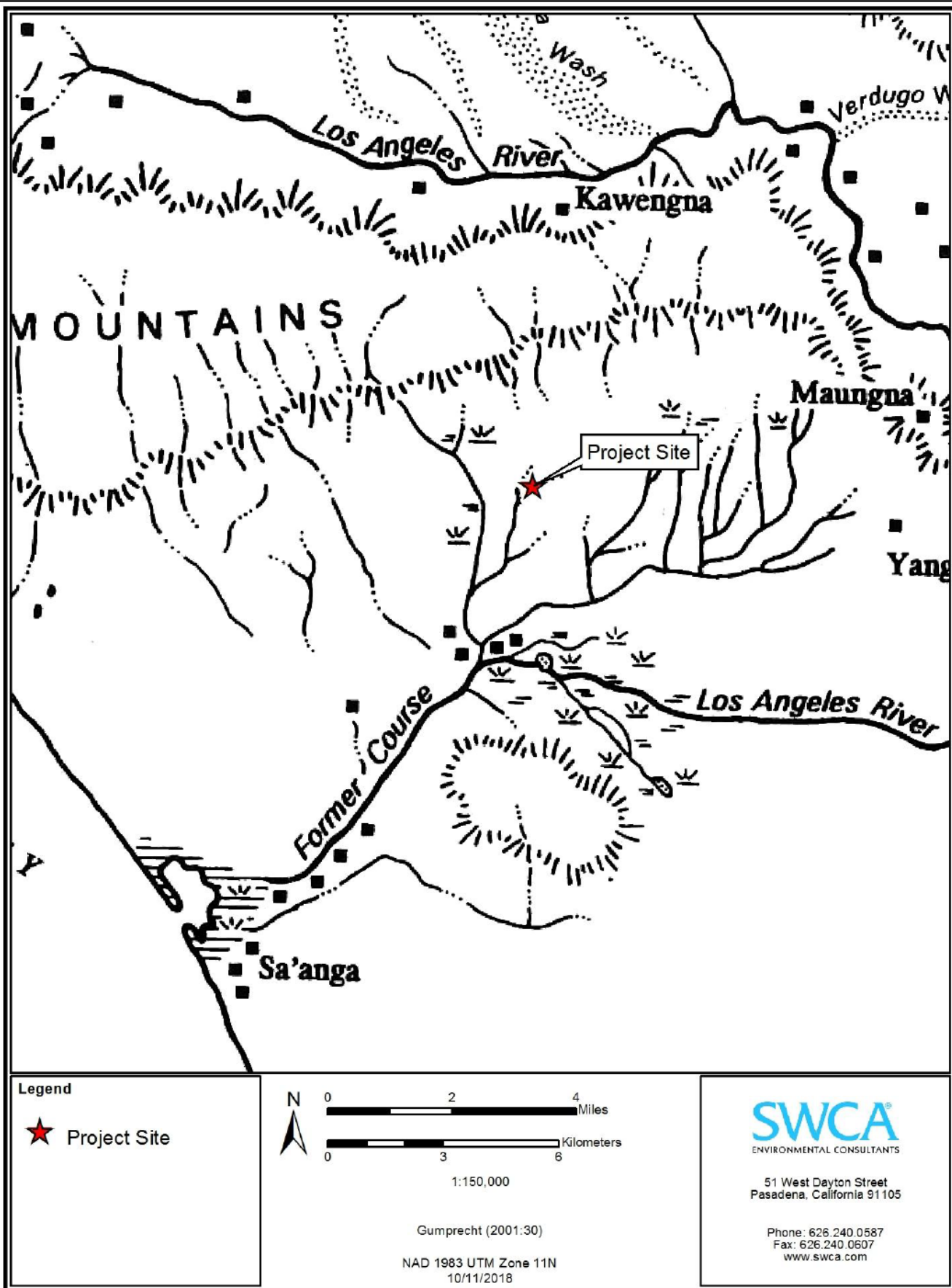
on the difficulty of reliably locating former village sites, writing that “the opportunity to prepare a true map of village locations ‘passed away 50 years ago’.”²⁵ Thus, even with ethnographic, historical, and archaeological evidence, it can be difficult to conclusively establish whether any given assemblage represents the remains of the former village site.

The nearest named villages to the Project Site within the Los Angeles Basin include Guaspet/Waachnga, near the Ballona wetlands, and Kuruvunga to the east/southeast near Santa Monica, and Yaangna, Geveronga, and Maawnga to the east/northeast near downtown Los Angeles. The closest of these is Kuruvunga (also known as Kuruvunga Springs or Tongva Springs), near present-day University High School, but taken together the named sites are all located within a 5.9- to 7.5-mile radius of the Project Site. Other unnamed Native American settlements have been documented approximately 2.8 miles south of the Project Site near wetlands (for which Las Cienegas is named) formed along the former course of the Los Angeles River (now Ballona Creek).

The Project Site is not near any former Gabrielino communities listed in ethnographic sources. A major source of asphaltum (La Brea Tar Pits) is located approximately 0.6 miles to the southeast of the Project Site, but no asphaltum was identified in the boring samples taken from the Project Site during geotechnical investigations. The asphaltum source at the La Brea Tar Pits is known to have been an important resource for the Gabrielino, and human remains found at the site suggest it was known to Native Americans more than 10,000 years ago. Also, further south of the La Brea Tar Pits, water features including perennial springs and small wetlands formed along tributaries of Ballona Creek (formerly Los Angeles River) are known to have existed along the southeast-facing toeslopes of the Santa Monica Mountains and would have been frequented by Native Americans. Smaller habitation sites were not typically noted by early ethnographers and Spanish colonizers; therefore, the lack of explicit data pointing to a site in the area does not indicate a lack of Native American activity in the area. Captain Gaspar de Portolá’s expedition across the Los Angeles Basin followed a route from nearby Gabrielino settlements to the asphaltum source.²⁶

²⁵ *Kroeber 1925:616 cited in McCawley 1996: 32.*

²⁶ *Seaman 1914.*



Source: SWCA Environmental Consultants, July 2019.

Figure IV.J-1
Hypothetical Locations of Native American Villages Along the
Los Angeles River and Other Waterways in the Los Angeles Basin

(2) Records Search Results

(a) *California Historical Resources Information System Records Search*

(i) *Previously Conducted Studies*

The Tribal Cultural Resources Assessment prepared for the Proposed Project, included a confidential search of the California Historical Resources Information System (CHRIS) records at the South Central Coastal Information System (SCCIC) located at California State University, Fullerton.²⁷ The SCCIC maintains records of previously documented cultural resources (including those that meet the definition of a tribal cultural resource) and technical studies; it also maintains copies of the Office of Historic Preservation's portion of the Historical Resources Inventory.

On July 5, 2018, a confidential search of the CHRIS records at the SCCIC on the campus of California State University, Fullerton, was conducted to identify previously documented cultural resources within a 0.5-mile radius of the Project Site, as well as any selectively chosen outside the radius to aid in the assessment of tribal cultural resource sensitivity, such as prehistoric components of the La Brea Tar Pits (one mile from Project Site). The SCCIC maintains records of previously conducted studies and known archaeological resources (including those that meet the definition of a tribal cultural resource or have the potential to meet the criteria); it also maintains copies of the California Office of Historic Preservation (OHP) portion of the Historic Resources Inventory.

Confidential CHRIS results include specific information on the nature and location of sensitive archaeological sites, which should not be disclosed to the public or unauthorized persons and are exempt from the Freedom of Information Act. The information included in a confidential CHRIS records search is needed to assess the sensitivity for undocumented tribal cultural resources and to inform the impact analysis. The search included any previously recorded archaeological resources (i.e., excludes historic buildings) within the Project Site and surrounding 0.5-mile area.

As shown in Table 1 of Appendix I to this Draft EIR, the results of the records search at the SCCIC indicate that 56 cultural resource studies have been conducted within 0.5 mile of the Project Site. Of these, 26 explicitly focus on archaeological resources, whereas four are focused on historic architecture, nine were conducted as a literature search and/or management and planning reports, eight were general research, and nine were overview studies conducted for the region. None of the studies were conducted

²⁷ SWCA, *Tribal Cultural Resources Assessment for the 6300 West Third Street Project, Los Angeles, California, October 12, 2020 (revised February 2, 2021)*.

specifically at the Project Site; however, several studies have been conducted in areas near the Project Site. These include four studies conducted between 1988 and 2003 in association with the Park La Brea development to the east, and two studies conducted between 1988 and 1990 to the north as environmental reviews for the Farmer's Market and Grove commercial properties. All of the studies were conducted prior to the passage of AB 52; therefore, tribal cultural resources, as such, were not specifically addressed in these studies.

(ii) Previously Recorded Cultural Resources

The CHRIS records search identified a total of 12 previously documented cultural resources within a 0.5-mile radius of the Project Site. Seven of the resources are buildings, one is a building and archaeological site, three are Historic-period archaeological sites, and one is an archaeological site with Historic- and Prehistoric-period components (P-19-000159; La Brea Tar Pits). Site P-19-000159 is the only resource identified in the records search that includes materials associated with Native Americans and could be considered a tribal cultural resource. The site was originally recorded in 1949 as a prehistoric archaeological site consisting of human remains, wooden artifacts, a stone "cog," a mano, shell beads, and various floral and faunal remains, including those of extinct mammals as well as a domesticated dog (unassociated with the human remains). The material was recovered within asphalt seeps of the La Brea Tar Pits. Originally identified in 1914, the human remains recovered from the site are now commonly referred to as those of the La Brea Woman. Since Heizer's first formal recordation of the site in 1949, various studies have been conducted with the purpose of dating the bone, most recently by Fuller et al. (2016). Fuller and his colleagues dated the remains to $9,080 \pm 15$ radiocarbon years before present (10,200-10,250 calibrated years before present). The estimated age of the remains are generally consistent relative to dates based on the shell beads and some of the extinct fauna found in association. A trash pit containing Historic-period archaeological remains were also recovered from an adjacent location in the tar pits and documented as a separate site (P-19-001261). Hancock Park and the La Brea Tar Pits are also individually recorded as a historical place (P-19-171007), the boundary of which overlaps the two archaeological sites previously discussed, but these resources do not include Native American affiliated materials. All three of these resources are located between 0.4 and 0.6 miles to the southeast of the Project Site.

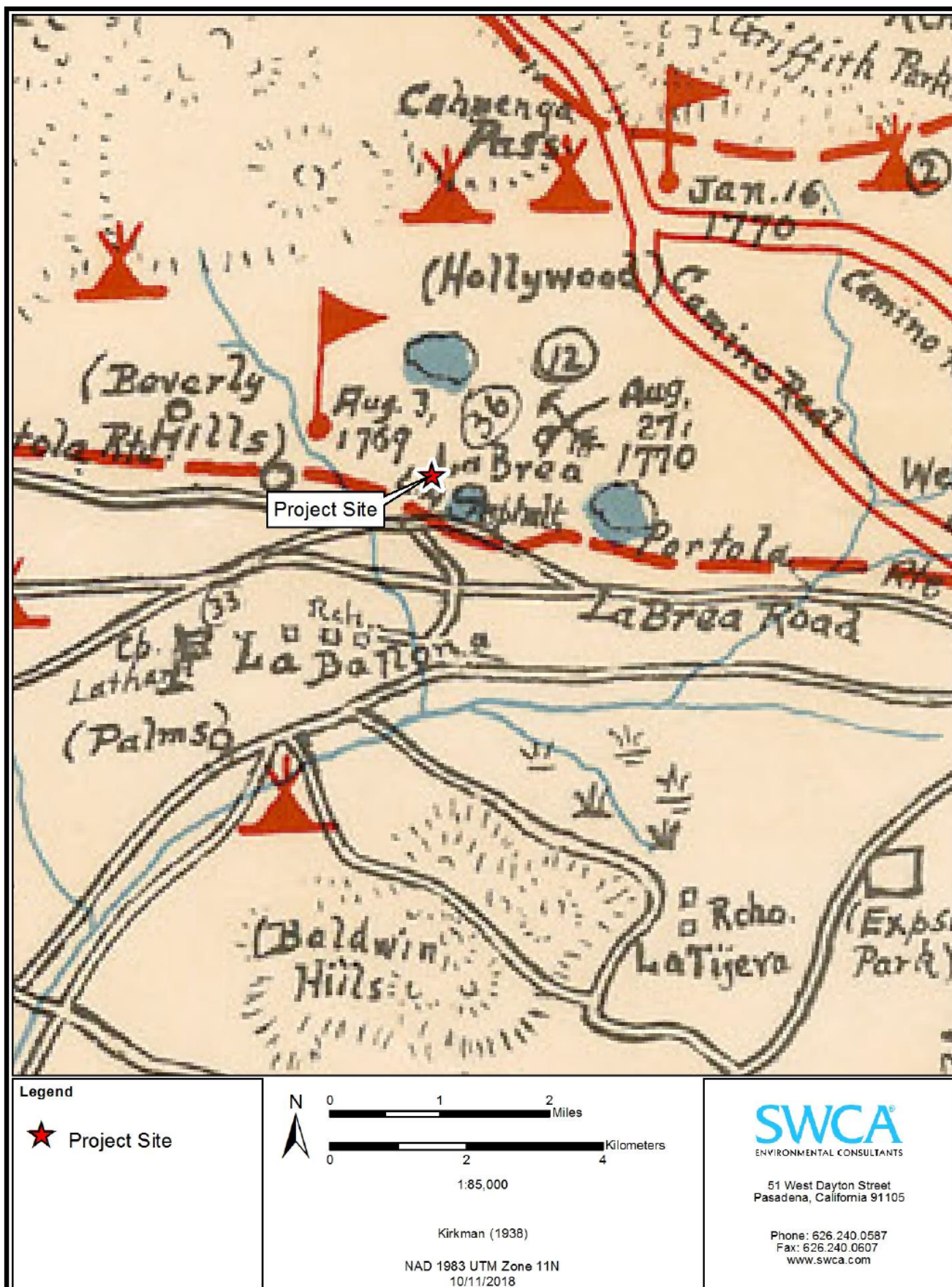
(b) Archival Research

Concurrent with the confidential CHRIS records search, property-specific historical and ethnographic research was reviewed to identify information relevant to the Project Site. The research focused on a variety of primary and secondary materials relating to the

history and development of the Project Site, including historical maps, aerial and ground photographs, ethnographic reports, and other environmental data. Historical maps drawn to-scale were georeferenced using ESRI ArcMAP v10.5 to show precise relationships to the Project Site. Sources consulted included the following publicly accessible data sources: City of Los Angeles Office of Historic Resources (SurveyLA); City of Los Angeles Department of Building and Safety (building permits); David Rumsey Historical Map Collection; Huntington Library Digital Archives; Library of Congress; Los Angeles Public Library Map Collection; Sanborn Fire Insurance Company Maps (Sanborn maps); U.S. Geological Survey (USGS) historical topographic maps; University of California, Santa Barbara Digital Library (aerial photographs); and University of Southern California Digital Library. In addition to the above, the subsurface boring findings from the Geotechnical Investigation prepared for the Proposed Project, dated November 16, 2018, was also reviewed (Appendix A-E to this Draft EIR). As part of the Geotechnical Investigation for the Proposed Project, limited subsurface boring was conducted to identify the earth materials underlying the Project Site.

Archival research included a review of historical maps for the Project Site and vicinity and focused on documenting modifications to the physical setting and identifying any potential natural or artificial features with relevance to use by Native Americans (e.g., stream courses, vegetation, historical topography, roads, habitation markers) or use of the location by non-Native American people in the Historic period. One important landmark was the brea (“tar”) pits, now known as the La Brea Tar Pits, located 1.0 mile south of the Project Site. Asphaltum—the naturally formed substance found in seeps—was an important resource to Native American populations, who used it as a binding and waterproofing element. The asphaltum at the La Brea Tar Pits would have been accessed via footpaths from neighboring camp and village sites, including Yaanga and Geveronga, located east of the Project Site. Though no reliable maps exist showing the precise location of such Native American travel routes, it is likely that many of the routes designated by the Spanish, Mexican, and American inhabitants followed similar alignments. The Kirkman-Harriman map²⁸ illustrates this pattern of historically significant points connected by travel corridors composed of superimposed paths from multiple time periods (see Figure IV.J-2, Kirkman-Harriman’s Pictorial and Historical Map of Los

²⁸ *Kirkman 1938.*



Source: SWCA Environmental Consultants, July 2019.

Figure IV.J-2
Kirkman-Harriman's Pictorial and Historical Map
of Los Angeles County, 1860-1937

Angeles County, 1860–1937). Outside the Project Site, Kirkman’s map depicts a number of pathways including “Camino Real” 2.6 miles to the north—the road connecting the nearby Spanish missions and Los Angeles Pueblo—and two parallel east-west routes—Portolá Expedition and “La Brea Road”—between 0.3 and 0.4 miles to the south.²⁹

Review of a Sanborn Fire Insurance map, newspaper articles, and building permits document the development of the Project Site as an industrial and commercial block within La Brea and its conversion to its current use as a commercial building and parking lot. Before the 1900s the property was primarily grazing land, but by 1920 topographic maps and aerial photographs show the Project Site heavily developed with oil wells drilling for the Salt Lake Oil Field. By 1926 most of the oil derricks had been removed and some buildings begin to appear on maps. The first Sanborn Fire Insurance maps showing the Project Site were published in 1926 and show the lot composing the block as undeveloped. The 1950 Sanborn maps show the existence of the Town & County Market taking up the entire block.

(c) *Sacred Lands File Search*

A Sacred Lands File (SLF) search provided by the Native American Heritage Commission (NAHC) on July 16, 2018 indicated negative results, indicating that no sacred land files are recorded within the Project Site. The letter notes that the SLF and CHRIS are not exhaustive inventories of resources that may be present in any given area, and that tribes may uniquely possess information on the presence of an archaeological or tribal cultural resource. The NAHC provided a list of 16 Native American contacts and suggested contacting them to provide information on sacred lands that may not be listed in the SLF. Ten of these individuals were already included in the City’s AB 52 notification list and were conducted as part of compliance with AB 52 (PRC Section 21082.3), described below. The remaining six Native American tribes identified in NAHC’s response letter were not contacted as these tribes are associated with localities that are located far outside of the Project Site area and have not requested to be contacted under the AB 52 consultation process. The NAHC letter is included in Appendix I to this Draft EIR.

(i) *AB 52 Consultation*

As required by PRC 21082.3, the Department of City Planning (DCP) mailed letters on June 26, 2018, to the 10 listed Native American tribes on the City’s AB 52 notification list, which consists of the tribes that requested to receive notice from the City under PRC Section 21080.3.1(d). included on the City’s AB 52 notification list pursuant to PRC Section 21082.3. To date, the City has received one response to the notification letters from Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians-Kizh Nation.

²⁹ *Kirkman 1938.*

The letter, dated July 6, 2018 provided general information on tribal history and traditional land use practices, and noted that the project is within a sensitive area and tribal cultural resources may be present below existing developments. Chairman Salas requested formal consultation with the City. On December 13, 2018, the City mailed letters to the Tribe with updated information about the Proposed Project, including the projected depth of grading activities, and existing Project Site conditions, including existing on-site structures. An initial AB 52 consultation call was held on January 16, 2019 with City Planning staff and representatives of the Gabrieleño Band of Mission Indians – Kizh Nation. Following the call, the City received follow-up information in the form of attachments which included five historical maps, a document titled *Gabrieleño Band of Mission Indians – Kizh Nation: Protection of Tribal Cultural Resources (TCRs)* which included the Gabrieleño Band of Mission Indians – Kizh Nation Tribal Government’s recommended mitigation measures, an entry from a knowledge-sharing platform titled, *What was there in California before the cities were founded and occupied?*, and the following two articles, *Ancient America: American Indians at Rancho La Brea*, and *A Recent Discovery Of Ancient Human Remains In Los Angeles, California*. Also, on July 2, 2020 the City requested any additional information regarding the potential for tribal cultural resources in the project area and/or on the Project Site. The City received additional information from the Gabrieleño Band of Mission Indians – Kizh Nation on July 3, 2020, including weblinks to the *Ancient America: American Indians at Rancho La Brea* article and to the Archaeological Resources section of the Academy Museum of Motion Pictures Project’s Draft Environmental Impact Report, prepared by the DCP Environmental review section in August 2014. The Tribal Cultural Resources Assessment analyzed the information submitted during consultation, as well as other information applicable specifically to the Development Site, and concluded that there is not substantial evidence indicating that a known tribal cultural resource is located on the Development Site. The AB 52 consultation correspondences are provided in Appendix I to this EIR.

(3) Project Site Sensitivity Assessment

In circumstances where a known tribal cultural resource is not present, the potential for the presence of an undocumented resource (i.e., sensitivity) is assessed. That determination considers historical use of the Project vicinity broadly and the physical setting, specifically including an assessment of whether the setting is capable of containing buried material.

In cases where there is a lack of data gathered on a site, to assess the presence or absence of material below the surface, the resulting sensitivity is by nature qualitative. The sensitivity ranges along a spectrum of increasing probability for encountering such material. Indicators of favorable habitability for Native Americans are proximity to natural

features (e.g., perennial water source, plant or mineral resource, animal habitat) and other known Native American archaeological sites, flat topography, prominent viewsheds, and relatively dry conditions. Areas with a favorable setting for habitation or temporary use, soil conditions capable of preserving buried material, and little to no disturbances are considered to have a higher sensitivity. Areas lacking these traits are considered to have lower sensitivity. Areas with a combination of these traits are considered as having a moderate level of sensitivity.

Based on the records search and archival research efforts discussed above, no previously recorded tribal cultural resources are known to exist within the Project Site. As discussed above, 12 previously recorded cultural resources have been identified within a 0.5 mile radius of the Project Site. One of the sites identified includes Native American human remains, commonly known as the La Brea Woman, recovered in 1915 from asphalt seeps in the La Brea Tar Pits 0.4 miles to the southeast of the Project Site.

The nearest named villages to the Project Site are all located between 5.9 and 7.5 miles of the Project Site. Other unnamed Native American settlements have been documented approximately 2.8 miles south of the Project Site along the former course of the Los Angeles River (now Ballona Creek). The La Brea Tar Pits served as an important source of asphaltum for Native Americans dating back at least 10,000 years. Other water features including perennial springs and small wetlands are known to have existed along the southeast-facing toeslopes of the Santa Monica Mountains within approximately 1.9 to 3.1 miles of the Project Site and would have been frequented by Native Americans. Middle and late-twentieth century maps show a relatively small south-flowing stream was once located approximately 984 feet to the west of the Project Site. The stream appears to have been intermittent or ephemeral and only contained water during the wet season for short periods of time. The proximity to these natural resources, especially the asphaltum source, suggests an increased level of sensitivity for tribal cultural resources above background levels, especially for resources such as remains from temporary camps identified by the presence of flaked stone tools, tool-making debris, stone milling tools, shell, fire-altered rock, and sediment discoloration or carbonization.

Archival research documents the land-use history of the Project Site and its transitions from use in livestock grazing in the middle nineteenth century, to industrial properties in the 1890s, and primarily commercial uses by the 1940s. As part of James Thompson's leased ranch land, the Project Site appears to have been used primarily for livestock grazing, most likely sheep, but potentially cattle as well. Maps created in 1870 and 1880 show a south-flowing stream located approximately 984 feet west of the Project Site. Any artifacts or features associated with Native American activities that may have been present on the surface within the Project Site would have likely been disturbed, but may have remained in place or been buried.

The record of industrial uses on the Project Site originated in the 1890s with the discovery of the Salt Lake Oil Field and development under ownership of Arthur Gilmore. The Gilmore Oil Company constructed at least two wells in the project site, as well as three storage tanks and associated structures. The Gilmore Oil fields operation remained in this location through most of the early twentieth century, and although they continued to own the land until the 1940s, oil operations ended in the 1920s. Aerial photographs from the late 1920s show wide-spread ground disturbances to the Project Site resulting from the oil operation, which included the excavation of the wells and storage tanks and extensive grading for the creation of the structures and vehicle travel in the early 1940s to build the Town & Country Market commercial complex and associated parking lots. At this point, any Native American objects or features on the surface or shallowly buried within the Project Site are likely to have been severely disturbed or destroyed, leaving only the possibility for deeply buried deposits.

Geotechnical borings obtained as part of the Geotechnical Investigation in Appendix A-E to this Draft EIR, identified 5.0 feet of fill described as loose silty sand atop natural alluvial sediments extending to at least a depth of 100.5 feet. Tribal cultural resources can occur in artificial fill or other “disturbed” (i.e., non-native) soils, though intact deposits are more likely to retain their significance when they are recovered from native soils. Generally, a depositional environment composed of alluvial sediments is favorable for the preservation of tribal cultural resources, but small-scale variations in erosional patterns and historical disturbances must be considered when determining the sensitivity.

It is possible that tribal cultural resources can be deeply buried within the alluvial sediments identified below the artificial fill. Given the Project Site’s proximity to an important asphaltum source and site with Prehistoric-period human remains at the La Brea Tar Pits, the Tribal Cultural Resources Assessment concluded that the Project Site has sensitivity for containing tribal cultural resources.

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:

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

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

b) Methodology

Under CEQA, the evaluation of impacts to tribal cultural resources consists of two parts: (1) identification of tribal cultural resources within the Project Site or immediate vicinity through AB 52 consultation, as well as a review pertinent academic and ethnographic literature for information pertaining to past Native American use of the project area, SLF search, a sensitivity assessment, and SCCIC records review, and finally, a review of the Geotechnical Investigation prepared for the Project Site (Appendix A-E of this Draft EIR), were conducted in order to provide a context regarding the previous disturbance of soils at the Project Site and; (2) a determination of whether the project may result in a “substantial adverse change” in the significance of the identified resources. The records search results are summarized above under the Environmental Setting subheading and are provided in further detail in Appendix I to this Draft EIR.

c) Project Design Features

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

d) Analysis of Project Impacts

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

- i). Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical***

resources as defined in Public Resources Code section 5020.1(k), or;

ii). A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

(1) Impact Analysis

The City, in compliance with the requirements of AB 52, mailed letters on June 26, 2018, to the 10 listed Native American tribes on City's AB 52 notification list, which consists of the tribes that requested to receive notice. As noted above, the City received one response to the notification letters from Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians-Kizh Nation on July 6, 2018, which provided general information on tribal history and traditional land use practices, and noted that the Proposed Project is within a sensitive area and tribal cultural resources may be present below existing developments. Chairman Salas requested formal consultation with the City.

On December 13, 2018, the City mailed letters to the Tribe with updated information about the Proposed Project, including the projected depth of grading activities, and existing Project Site conditions, including existing on-site structures. DCP staff and Chairman Salas participated in an AB 52 consultation conference call and discussed the Tribe's concerns regarding tribal cultural resources as they relate to the Project Site. An initial AB 52 consultation call was held on January 16, 2019 with City Planning staff and representatives of the Gabrieleño Band of Mission Indians – Kizh Nation. Following the call, the City received follow-up information in the form of attachments which included five historical maps, a document titled *Gabrieleño Band of Mission Indians – Kizh Nation: Protection of Tribal Cultural Resources (TCRs)* which included the Gabrieleño Band of Mission Indians – Kizh Nation Tribal Government's recommended mitigation measures, an entry from a knowledge-sharing platform titled, *What was there in California before the cities were founded and occupied?*, and the following two articles, *Ancient America: American Indians at Rancho La Brea*, and *A Recent Discovery Of Ancient Human Remains In Los Angeles, California*. Also, on July 2, 2020 the City requested any additional information regarding the potential for tribal cultural resources in the project area and/or on the project site. The City received additional information from the Gabrieleño Band of Mission Indians – Kizh Nation on July 3, 2020, including weblinks to the *Ancient America: American Indians at Rancho La Brea* article and to the Archaeological Resources section of the Academy Museum of Motion Pictures Project's

Draft Environmental Impact Report, prepared by the DCP Environmental review section in August 2014. The Tribal Cultural Resources Assessment analyzed the Development Site specifically and concluded that no previously recorded tribal cultural resources have been identified within the Development Site and no asphaltum was discovered in the boring samples. To-date, no substantial evidence has been submitted indicating that a known tribal cultural resource, as defined under P.R.C Section 20174, is located within the Development Site. The regional trade route maps and village locations provided by Chairman Salas indicate the historic presence of California Native American Tribes within the broader southern California region, which includes the Project area, but no evidence has been provided to suggest that any known resources exist within the Project Site. The AB 52 consultation correspondences are provided in Appendix I to this EIR.

Additionally, as indicated in the discussion above and in Appendix I, Tribal Cultural Resources Assessment, to this Draft EIR, the results of the records searches (e.g., SCCIC and NAHC) conducted for the Project Site and the analysis of correspondence and materials relative to potential tribal cultural resources on the Project Site demonstrate that there is no record or evidence that there are tribal cultural resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources on the Project Site. The nearest recorded tribal cultural resource is an archaeological site located 0.4 miles to the south of the Project Site with Historic- and Prehistoric-period components (P-19-000159; La Brea Tar Pits). Site P-19-000159 is the only resource identified in the records search that includes materials associated with Native Americans and could be considered a tribal cultural resource.

While there are no known tribal cultural resources, the Project Site was identified as potentially sensitive for containing unknown tribal cultural resources. This determination is based on the potential level of sensitivity of the area and its proximity to an asphaltum source, the prehistoric Native American remains found at the La Brea Tar Pits, and the types of alluvial sediments in the area that are capable of preserving tribal cultural resources. The sensitivity for the Project Site indicates that the project could reasonably result in a foreseeable direct or indirect impact to tribal cultural resources if adequate mitigation is not provided. Proposed mitigation measures were provided by the City to the Gabrieleño Band of Mission Indians – Kizh Nation for review on January 6, 2021. The proposed mitigation measures incorporated several key components of the mitigation measures that were recommended by the Gabrieleño Band of Mission Indians – Kizh Nation for use with this project (i.e., Retain a Native American Monitor/Consultant, Unanticipated Discovery of Tribal Cultural Resources, Unanticipated Discovery of Human Remains and Associated Funerary Objects, Resource Assessment & Continuation of Work Protocol, and Professional Standards), as provided to the City in the *Gabrieleño Band of Mission Indians – Kizh Nation: Protection of Tribal Cultural Resources (TCRs)* document on January 16, 2019. On January 6 and January 7, 2021, the Gabrieleño Band

of Mission Indians – Kizh Nation provided additional information regarding the mitigation measures, and proposed revisions to the proposed mitigation measures. The City has considered the Gabrieleño Band of Mission Indians – Kizh Nation’s comments, along with the additional information provided and made modifications to the proposed mitigation measures, which are identified below. Based on the evidence in the record, the City concluded consultation on January 28, 2021. A letter dated January 28, 2021 was sent to Chairman Salas summarizing the City’s efforts to engage in meaningful and good faith consultation and stating the conclusion of the AB 52 consultation process.

The estimated depth of excavation for the Proposed Project is estimated at 30 feet below the surface, which would require excavation of the underlying alluvial sediments and removal of the overlying artificial fill. As such, there is potential for unidentified tribal cultural resources within the Project Site. Specifically, there is potential to encounter Prehistoric-period artifacts or features that could be deeply buried within native alluvial soils below or (less likely) intermixed with artificial fill or otherwise recently disturbed sediments. Based on the environmental setting in the vicinity, the type of Native American resources that could occur would most likely be objects and features associated with former camps and include flaked stone tools, tool-making debris, stone milling tools, shell, sediment discoloration or carbonization, and depressions or other features indicative of a former living surface.

To ensure that any deeply buried unknown resources are properly handled if discovered during construction activities, the City shall include the recommendations in the Tribal Cultural Resources Assessment as mitigation measures for the Proposed Project. Given the sensitivity determination for the Project Site, the Tribal Resources Cultural Assessment requires retaining a tribal consultant and qualified archaeologist, preparation of a Tribal Cultural Resources Monitoring Mitigation Monitoring Program (TCRMMP) and a Worker Environmental Awareness Program (WEAP), and conducting tribal cultural resources monitoring to ensure proper treatment of any resources that may be discovered during construction activities. The TCRMMP requires the City and project permittee to notify and coordinate with Gabrieleño Band of Mission Indians-Kizh Nation (or other relevant tribe) if a potential tribal cultural resource is inadvertently discovered on the Project Site. Without these measures the Proposed Project may result in potentially significant impacts on tribal cultural resources. Incorporating the proposed mitigation measures would ensure potential impacts are reduced to less than significant levels.

Thus, the Proposed Project may 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 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). Therefore, with implementation of Mitigation Measures MM-TCR-1 through MM-TCR-4, below, the Proposed Project would have a less than significant impact upon any tribal cultural resources.

(2) Mitigation Measures

The following mitigation measures are included to reduce potential impacts on tribal cultural resources during construction.

MM-TCR-1 Retain a Tribal Consultant and Qualified Archaeologist. Prior to any ground-disturbing activities on the project site associated with the Proposed Project, the project proponent shall retain a tribal consultant and qualified archaeologist to monitor ground-disturbing activities to ensure proper implementation of the final measures related to tribal cultural resources. For the purposes of these mitigation measures, ground disturbing activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. A tribal consultant is defined as one who is on the NAHC's Tribal Contact list (contained in Appendix I in this Draft EIR). The tribal consultant will provide the services of a representative, known as a tribal monitor. The tribal monitor shall be present on-site and carry out actions described in the Tribal Cultural Resources Monitoring and Mitigation Program and any actions required to comply with mitigation measures for tribal cultural resources. The Gabrieleño Band of Mission Indians-Kizh Nation, as a consulting party for the project, shall be contacted first and given 10 days to respond with a complete scope of work for tribal monitoring. If the terms of service (consistent with industry standard terms) cannot be agreed upon, or if no response is received within 10 days of soliciting a request, the project proponent may contact another California Native American tribe included on the NAHC Tribal Contact List and request the services of a tribal consultant. The project proponent or their designee will submit to the City of Los Angeles Department of City Planning (DCP) a letter of retention from the Tribal Consultant prior to the start of demolition. Should the Gabrieleño Band of Mission Indians-Kizh not be retained, the project proponent or their designee shall also submit a letter to DCP documenting that a reasonable and good faith effort was made to retain a tribal consultant from the Gabrieleño Band of Mission Indians-Kizh Nation.

A qualified archaeologist is defined as one who meets the Secretary of the Interior's (SOI) Professional Qualifications Standards (PQS) for archaeology. The qualified archaeologist shall submit a letter of retention to the project proponent and DCP no fewer than 15 days before demolition or excavation activities commence. The letter shall include a resume for the qualified archaeologist that demonstrates fulfillment of the SOI PQS.

MM-TCR-2 Prepare an Tribal Cultural Resources Monitoring and Mitigation Program (TCRMMP). Prior to any ground-disturbing activities on the project site associated with the Proposed Project, a TCRMMP shall be prepared in substantial conformance with TCRMMP in Appendix E or the Tribal Cultural Resources Assessment contained in this Draft EIR. The TCRMMP shall include, but not be limited to, a construction worker training program (described in TCR-3), monitoring protocols for ground-disturbing activities, discovery and processing protocol for inadvertent discoveries of tribal cultural resources. The TCRMMP shall identify areas that require monitoring, provide a framework for assessing the geoarchaeological setting to determine whether sediments capable of preserving tribal cultural resources are present, and include a protocol for identifying the conditions under which additional or reduced levels of monitoring (e.g., spot-checking) may be appropriate. The duration and timing of the monitoring shall be determined by the qualified archaeologist in consultation with the tribal consultant based on the rate of excavation, geoarchaeological assessment, and, if present, the quantity, type, and spatial distribution of the materials identified. The TCRMMP shall also summarize the requirements for tribal coordination during monitoring and in the event of an inadvertent discovery of a tribal cultural resource or potential tribal cultural resource including the applicable regulatory compliance measures for the inadvertent discovery of tribal cultural resources to be carried out in concert. The TCRMMP shall be prepared in compliance with Public Resources Code (PRC) Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1. The TCRMMP shall be submitted to the DCP at least 15 days prior to initiating ground-disturbing activities.

MM-TCR-3 Worker Environmental Awareness Program (WEAP) Training. Prior to any ground-disturbing activities on the project site associated with the Proposed Project, the retained qualified archaeologist and tribal consultant or their designees shall provide a WEAP training to on-site project personnel responsible for supervising ground-disturbing activities (i.e., foreman or supervisor) and machine operators. The WEAP training will be

in accordance with the WEAP provided in Appendix E or the Tribal Cultural Resources Assessment contained in this Draft EIR. The WEAP training shall brief construction crews regarding the regulatory compliance requirements and applicable mitigation measures that must be adhered to during ground-disturbing activities for the protection of tribal cultural resources. As an element of the WEAP training, the qualified archaeologist and tribal consultant or their designees shall advise the construction crews on proper procedures to follow if an unanticipated tribal cultural resource is discovered during construction. The qualified archaeologist and tribal consultant or their designees shall also provide the construction workers with contact information for the qualified archaeologist and tribal consultant and their designee(s) and protocols to follow if inadvertent discoveries are made. In addition, workers shall be shown examples of the types of tribal cultural resources that would require notification of the archaeologist and tribal consultant, if encountered. Once the ground disturbances have commenced, the need for additional or supplemental WEAP training shall be determined through consultation with the qualified archaeologist, tribal consultant and project proponent or their designated project supervisor. Within 5 days of completing a WEAP training, a list of those in attendance shall be provided by the qualified archaeologist to the project proponent and DCP.

MM-TCR-4 Monitoring for Tribal Cultural Resources. Prior to any ground disturbing activities on the project site associated with the Proposed Project, an archaeological and tribal monitor shall be present during ground-disturbing activities as stipulated in the TCRMMP. The tribal monitor shall be designated by the tribal consultant. The qualified archaeologist may designate an archaeologist to conduct the monitoring under their direction. The monitors shall have the authority to temporarily halt or redirect construction activities in soils that are likely to contain potential tribal cultural resources, as determined by the qualified archaeologist in consultation with the tribal monitor. The monitors shall each complete a daily log documenting construction activities and observations. The field observations shall include assessment of the geoarchaeological setting and whether sediments are identified that are no longer capable or unlikely to contain tribal cultural resources (i.e., sterile), which may be encountered prior to reaching the total depth of excavation expected for the project. If initial monitoring identifies low sensitivity (i.e., sterile soil strata) below a certain depth or within a certain portion of the project site, a corresponding reduction of monitoring coverage would be appropriate. The reasoning for and scale of the

recommended reduction shall be communicated to the DCP in writing prior to reduction.

In the event that tribal cultural resources or potential tribal cultural resources are exposed during construction, work in the immediate vicinity of the find shall stop within a minimum of 8 meters [25 feet] or as determined by the qualified archaeologist in consultation with the tribal consultant based on the nature of the find and the potential for additional portions of the resource to remain buried in the unexcavated areas of the project site. The qualified archaeologist in consultation with the tribal consultant will evaluate the significance of the find and implement the protocol described in the TCRMMP before work can resume in the area surrounding the find that is determined to have sensitivity. Construction activities may continue in other areas of the project site in coordination with the qualified archaeologist and tribal consultant.

If human remains are encountered during construction all ground-disturbing work will be immediately diverted from the discovery as determined by the tribal consultant and qualified archaeologist based on consideration of the possibility that additional or multiple Native American human remains are may be located in the project site. Upon discovery of human remains, whether or not the archaeological or Tribal monitor is present, the Los Angeles County Coroner's Office shall be notified, as prescribed in PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the Coroner determines that the remains are of Native American origin, the Coroner shall proceed as directed in Section 15064.5(e) of the State CEQA Guidelines, and as specified in the TCRMMP, which require the coroner to notify the NAHC who will appoint a Most Likely Descendent (MLD). Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated accordingly. While the coroner determines whether the remains are Native American and the MLD is designated and notified, the discovery is to remain confidential and secure to prevent any further disturbance.

Within one month of concluding the tribal cultural resources monitoring, the qualified archaeologist shall prepare a memo stating that the monitoring requirements have been fulfilled and summarize the results of any finds and any actions taken by the tribal monitor to implement the final measures related to tribal cultural resources. The memo shall be submitted to the project proponent and DCP and attached to a final monitoring report prepared by the qualified archaeologist. Following submittal of the memo, the qualified archaeologist shall prepare a technical report documenting the

methods and results of all work completed by the tribal and archaeological monitor under the TCRMMP and incorporating input received during construction from the tribal consultant, including, if any, treatment of any collected materials, results of artifact processing, analysis, and research, and evaluation of the resource(s) for the California Register of Historical Resources. The format and content of the report shall follow the California Office of Historic Preservation's Archaeological Resource Management Reports (ARMR): Recommended Contents and Format. Any tribal cultural resources identified shall be documented on appropriate California Department of Parks and Recreation 523-Series Forms. The report shall be prepared under the supervision of a qualified archaeologist and submitted to DCP within one year of completing the monitoring. The final draft of the report shall be submitted to the South Central Coastal Information Center.

(3) Level of Significance After Mitigation

With incorporation of these mitigation measures, the Proposed Project would have a less-than-significant impact upon California Native American tribal cultural resources. Mitigation Measures MM-TCR-1 through MM-TCR-4 would ensure construction activities on the Project Site would have less than significant impacts on tribal cultural resources.

e) Cumulative Impacts

(1) Impact Analysis

The Proposed Project, in combination with the construction and operation of the 63 related projects (See Section III, Environmental Setting) would result in the continued redevelopment of the surrounding area within a 1.5-mile radius.

Discovery of archeological resources, including tribal cultural resources, tend to be site-specific. As discussed above, the nearest named Gabrielino villages to the Project Site are all located between 5.9 and 7.5 miles away. Based on the CHRIS records search and archival research identified above, there are 12 previously recorded cultural resources within a 0.5-mile radius of the Project Site. Other unnamed Native American settlements have been documented approximately 2.8 miles south of the Project Site along the former course of the Los Angeles River (now Ballona Creek). As all of the related projects occur within a two mile radius of the Project Site, the sensitivity level of encountering yet unrecorded or unknown tribal cultural resources would be similar to that of the Project Site. Similar to the Proposed Project, most if not all of these projects occur on infill development sites that have been previously disturbed and developed. Additionally, each

related project would be required to comply with regulatory requirements, including AB 52 tribal consultation for projects subject to CEQA review, to evaluate potential impacts upon tribal cultural resources on a project-by-project basis. Such evaluations would take into account the site specific nature of the existing soil conditions and extent of development, as well as the extent of soil disturbance on a case by case basis. Compliance with applicable regulatory measures and mitigation measures that establish procedures to follow if an inadvertent discovery were to occur during construction activities would ensure cumulative impacts to tribal cultural resources remain less than significant. Similarly, the Proposed Project would implement mitigation measures and standard precautionary measures to reduce potential impacts related to inadvertent discoveries of tribal cultural resources during construction to less than significant levels. As such, the Proposed Project's cumulative impact would be less than significant and its incremental contribution to a cumulative impact would not be cumulatively considerable.

(2) Mitigation Measures

The mitigation measures are sufficient to support a finding that the Project-level impacts to construction activities on the Project Site would be less than significant. In the event that the City imposes conditions of approval (in addition to the mitigation measures stated herein) then those conditions would further minimize potential impacts. Each related project would be required to comply with regulatory requirements and conduct site-specific analysis to ensure impacts to tribal cultural resources would be less than significant. As such, cumulative impacts with regard to tribal cultural resources would be less than significant with Mitigation Measures MM-TCR-1 through MM-TCR-4, above.

(3) Level of Significance After Mitigation

Impacts were determined to be less than significant with mitigation.