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CITY OF LOS ANGELES
CALIFORNIA



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<http://planning.lacity.org>

December 21, 2018

CASE No.: ENV-2018-7330-EAF
Project Address: 1424 N. DEEPWATER AVE.
Community Plan: Wilmington – Harbor City

Dear Tribal Representative:

This letter is to inform you that the Los Angeles Department of City Planning is reviewing the following proposed project:

The project is the construction of a 3-story, 36-foot tall, 51,202 square-foot building comprised of 56 residential units (100% restricted affordable and one manager's unit), with on-site supportive services. The project will provide 19 parking spaces at grade level, and will involve the grading of approximately 2,450 cubic yards of soil.

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: Connie Chauv
200 N. Spring Street, Room 720/721
Los Angeles, CA 90012
Email: connie.chauv@lacity.org
Phone No.: 213-978-0016

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

CONNIE CHAUV
West/South/Coastal Project Planning

**City of Los Angeles
Department of City Planning**

Affidavit of Mailing

Case Number: ENV-2018-7330-EAF

This Affidavit concerns the NAHC Tribal Consultation Letter.

I, Marisa Garcia, certify that I am an employee of the City of Los Angeles, and on 12/21/2018, mailed, postage prepaid, to the applicable California Native American Tribes parties, as indicated below, on the case indicated above, a true copy of which is attached:

NAHC Tribal Consultation Letter

Check Recipients Below:

- ☒ Fernandeño Tataviam Band of Mission Indians
- ☒ Gabrieleño Band of Mission Indians – Kizh Nation
- ☒ Gabrielino Tongva Indians of California Tribal Council
- ☒ Gabrielino/Tongva Nation (Sam Dunlap)
- ☒ Gabrielino/Tongva Nation (Sandonne Goad)
- ☒ Gabrielino/Tongva San Gabriel Band of Mission Indians
- ☒ Gabrielino-Tongva Tribe
- ☒ San Fernando Band of Mission Indians
- ☒ Soboba Band of Luiseño Indians
- ☒ Torres Martinez Desert Cahuilla Indians


Staff Signature



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians / Gabrielino Tribal Council
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

City of Los Angeles
200 N Spring Street, Room 720/721
Los Angeles, CA 90012

December 31, 2018

Re: AB52 Consultation request for the projected located at 1424 N. Deepwater Ave

Dear Vincent P. Bertoni,

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a "no records found" for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. For this reason, the NAHC will always refer the lead agency to the respective Native American Tribe of the area. The NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and can provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area.

Additionally, CEQA now defines Tribal Cultural Resources (TCRs) as their own independent element separate from archaeological resources. Environmental documents shall now address a separate Tribal Cultural Resource section which includes a thorough analysis of the impacts to only Tribal Cultural Resources (TCRs) and includes independent mitigation measures created with Tribal input during AB-52 consultations. As a result, all mitigation measures, conditions of approval and agreements regarding TCRs (i.e. prehistoric resources) shall be handled solely with the Tribal Government and not through an Environmental/Archaeological firm.

In effort to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email admin@gabrielenoindians.org to schedule an appointment.

*** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>*

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman

Albert Perez, treasurer |

PO Box 393, Covina, CA 91723

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer ||

www.gabrielenoindians.org

Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the Council of Elders

gabrielenoindians@yahoo.com



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

*Connie Chauv
City of Los Angeles*

Regarding: 1424 N. Deepwater Ave

Date: 3/8/2019

Dear Connie,

Thank you for the opportunity to provide Tribal Consultation for the above project on 3/7/2019. During our consultation we were able to provide you with our Oral History in detail, regarding the significance and cultural value the area identified above has to our tribe. In addition, we explained and identified Tribal Cultural Resources under PRC 4 (A) 21074 of the law that are within and around your project location.

At your earliest convenience, please provide a copy of our mitigation included in your Draft Environmental Document along with your signature confirming acceptance of the mitigation measures recommended by our Tribal Government. Once received we will review and if concurrence is achieved, this will conclude the consultation.

Sincerely,

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman

Albert Perez, treasurer |

PO Box 393, Covina, CA 91723

Nadine Salas, Vice-Chairman

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gabrielenoindians@yahoo.com

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COMMISSION OFFICE
(213) 978-1300

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DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

April 17, 2019

Andrew Salas

Chairman

Gabrieleno Band of Mission Indians – Kizh Nation

P.O. Box 393

Covina, CA 91723

RE: AB 52 Completion of Consultation
1424 North Deepwater Avenue
(Case No. ENV-2018-7330-EAF) ("Proposed Project")

Dear Mr. Salas:

On April 12, 2019, 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. As such, the consultation is deemed concluded.

The City is expecting to release its ND for public review in the next couple of weeks. Please do not hesitate to contact me if you wish to share any additional information, comments, or concerns.

Respectfully,

Connie Chau

City Planning Associate

West/South/Coastal Project Planning

Department of City Planning

Attachment:

Conditions of Approval

ATTACHMENT**Conditions 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 activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), 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 Applicant 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 at (213) 978-0016.
- 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 Applicant 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 Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant 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 and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by a culturally affiliated tribal monitor 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.

Human Remains Inadvertent Discovery. In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:

- Stop immediately and contact the County Coroner:
1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- 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 descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

Archaeological Resources Inadvertent Discovery. In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Paleontological Resources Inadvertent Discovery. In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.