

## 5.14 TRIBAL CULTURAL RESOURCES

This section of the EIR provides an assessment of potential impacts related to tribal cultural resources that could result from implementation of the project. The analysis in this section is based on the results of the consultation with affiliated California Native American tribes and research presented in a technical report prepared by SWCA. The tribal consultation is being conducted by the County of Los Angeles (County) for purposes of compliance with CEQA, specifically the requirements stated in Public Resources Code (PRC) Section 21080.3.1, as amended by Assembly Bill (AB) 52. The results of the tribal consultation and research used to inform the sections presented below are based on *Archaeological and Tribal Cultural Resources Assessment for the La Brea Tar Pits Master Plan Environmental Impact Report, Los Angeles, California* prepared by SWCA (Millington and Dietler 2023). The report will remain part of the confidential administrative record because of the detail describing the specific location of the archaeological and tribal sites (allowable pursuant to California Government Code 6254(r) and 6254.10; the Public Records Act, California Code of Regulations (CCR) Section 15120 (d), PRC Sections 5097.9 and 5097.993; and PRC Section 21082.3(c)).

In its capacity as the lead agency under CEQA, the County maintains a list of California Native American tribes that requested to receive notifications pursuant to PRC Sections 21080.3.1 and 21080.3.2 (AB 52). The list includes representatives from five tribal organizations. The County sent letters describing the project and providing information regarding consultation to representatives of these five tribes via certified mail on March 8, 2022:

- Fernandeno Tataviam Band of Mission Indians;
- Gabrieleno Band of Mission Indians – Kizh Nation;
- Gabrieleno/Tongva San Gabriel Band of Mission Indians;
- San Manuel Band of Mission Indians; and
- Tejon Indian Tribe.

Of these five Native American tribes, the County received requests for consultation with respect to the proposed project from:

- Fernandeno Tataviam Band of Mission Indians on March 9, 2022;
- Gabrieleno Band of Mission Indians – Kizh Nation on March 22, 2022; and
- Gabrieleno/Tongva San Gabriel Band of Mission Indians on May 3, 2022.

In response to a request from the County, the California Native American Heritage Commission (NAHC) provided a list of 38 individuals affiliated with tribal organizations who are included on a contact list for all of Los Angeles County. The list included the five contacts from the County's AB 52 list. The County sent informational letters to the 33 tribal contacts who were not on the AB 52 list on March 8, 2022. Of these, the County received input as part of informational outreach from one Native American tribe as follows:

- Gabrielino Tongva Indians of California Tribal Council on March 28, 2022.

This section includes the results of the consultation and includes mitigation measures to address potential impacts to tribal cultural resources. As described in Section 5.14.2, Regulatory Setting, PRC Section 21074 states that "tribal cultural resources" are defined as: 1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are listed in, or determined to be eligible for listing in, the national or state register of historical resources, or listed in a local register of historic resources; or 2) resources that the Lead Agency determines, in its discretion, are tribal cultural resources.

For the purposes of this EIR and as a result of the AB 52 consultation process, the identified Native American archaeological resource within the project site is considered a tribal cultural resource.

### **5.14.1 Existing Conditions**

A description of the archaeological record of Native Americans who lived in the vicinity of the project site can be found in Section 5.4, Cultural Resources – Archaeological Resources. This overview covers the period beginning with the earliest documented arrival of Native Americans in this part of North America during the Terminal Pleistocene (approximately 11,500 years ago) and extends to the time in which Spanish colonists arrived in the mid-eighteenth century.

#### **5.14.1.1 Gabrielino Ethnography and History**

The project site is in an area historically occupied by the Gabrielino. Because there is no agreement over the most appropriate name for this group, the term Gabrielino is used in the remainder of this section to designate people who were indigenous to the Los Angeles Basin and southern Channel Islands and their descendants. The name “Gabrielino” (sometimes spelled Gabrieleno or Gabrieleño) originated as a reference to Native Americans who were affiliated with Mission San Gabriel, whereas those who were affiliated with the nearby Mission San Fernando were referred to as Fernandeño. In the Mission and Rancho periods, Mission San Gabriel included Native Americans from the greater Los Angeles area, as well as members of surrounding groups such as Kitanemuk, Serrano, and Cahuilla. Surrounding Native American groups included the Chumash and Tataviam/Alliklik to the north, the Serrano to the east, and the Luiseño/Juaneño to the south. Interaction between the Gabrielino and many of their neighbors in the form of intermarriage and trade was well-documented in ethnographic accounts and oral histories.

The Gabrielino subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the people utilized resources in mountain, foothill, valley, desert, riparian, estuarine, and open and rocky coastal eco-niches. As with most Native Californians, acorns were the staple food, which material evidence suggests was established several thousand years ago. Supplemental foods included the roots, leaves, seeds, and fruits of a variety of flora (e.g., islay, cactus, yucca, sages, and agave). Freshwater and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

The Gabrielino used a variety of tools and implements to gather and collect food resources. 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. 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, including soapstone bowls, and Catalina Island steatite was used to carve ollas and cooking vessels.

At the time of Spanish colonization, the basis of Gabrielino religious life was the Chinigchinich, centered on the last of a series of heroic mythological figures. Chinigchinich gave instruction on laws and institutions and taught the people how to dance as a form of religious practice. He later withdrew into heaven, where he rewarded the faithful and punished those who disobeyed his laws. The origins of the Chinigchinich are somewhat unclear as it seems to have been relatively new when the Spanish arrived. It was spreading south into the southern Takic groups even as Christian missions were being built and may represent a mixture of Native and Christian belief and practices.

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 interior. Remains were buried in distinct burial areas, either directly associated with villages or without apparent village association. Cremation ashes have been found in archaeological contexts buried within stone bowls and in shell dishes, as well as scattered among broken ground stone implements. Grave goods associated with burials/cremations varied in quantity and content and included projectile points, beads, steatite objects, and asphaltum. Well-preserved burial features have evidence of wrappings of nets, hide blankets or capes, or mats of tule reeds or seagrass. At least one formal grave marker, an elaborately etched sandstone slab, was reported in 1885 at a site between Los Angeles and the coast, near San Pedro. 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, wooden tools, shell beads, bone and shell ornaments, and projectile points and knives. Offerings varied with the gender and status of the deceased.

The traditional way of life for Native American people was dramatically altered by the Spanish mission system and later Mexican and American settlement in this part of Southern California. The dissolution of indigenous culture alienated them from their traditional subsistence patterns, social customs, and marriage networks. European diseases, against which they had no immunity, reached epidemic proportions, and Gabrielino populations rapidly declined. The increase in agriculture and the spread of grazing livestock into their collecting and hunting areas made maintaining traditional lifeways increasingly difficult. Although many Gabrielino were eventually subsumed by the mission system, some refused to give up their traditional existence and escaped into the interior regions of the state, where they survived as refugees, often in living in communities with other tribes.

Many researchers have brought attention to the role of Native American labor in developing and sustaining colonial settlements by providing crucial services and highly skilled roles across multiple types of industry. Gabrielino acquired equestrian skills used in herding, corralling, and branding cattle, and they routinely conducted the work of killing and skinning livestock. They demonstrated an aptitude for the engineering needed to create irrigation systems—finding grades, laying out ditches, and managing watering regimes. Irrigation was crucial for supplying domestic supplies and agriculture, especially wine making, which also relied on Gabrielino to plant the grapevines. Native women and children provided crucial household chores within the ranchos across the Los Angeles Basin. During the American period, Native Americans found work in citrus groves and other large-scale agricultural operations. During the twentieth century, Native Americans affiliated with Tribes from outside the region increasingly came to Los Angeles, some out of necessity or in pursuit of new opportunities, and others because of the federal government’s termination and relocation policies. Native American workers made important contributions to several of the industries important during the early and middle parts of the twentieth century, such as aviation and film. It is estimated that several thousand Gabrielino descendants currently live in the Los Angeles area, though no reservation or rancherias were ever set aside and tribal organizations have not been federally recognized.

#### **5.14.1.2 Gabrielino Placenames and Settlements**

The project site is in an open alluvial plain comprising the northern portion of the Los Angeles Basin, bounded to the north by the Santa Monica Mountains. None of the Native American sites, placenames, or former settlements described in Gabrielino ethnographic records were located within the project site. Rather, the project site is situated in what was open prairie between two western communities located closer to the coast, and inland communities in what is now downtown Los Angeles.

The named Gabrielino settlements in closest proximity to the project site include the following: Kuruvungna Springs, approximately 5 miles to the east; Guaspet/Waachnga (hereafter Guaspet),

approximately 8 miles to the southwest near Ballona Creek; and two sites in the downtown Los Angeles area, Geveronga and Yaangna, approximately 6 and 7 miles to the west, respectively. In addition to the named communities, there are notable Native American archaeological sites in the Ballona Creek area, between 3 and 10 miles to the southwest—the Los Angeles Man Site (LAN-171) and the Haverty Site (LAN-172).

### **5.14.1.3 Sacred Lands File Search**

The NAHC Sacred Lands File search was received from the NAHC on August 11, 2022, and produced negative results. The NAHC provided a list of Native American contacts and suggested contacting them to provide information on sacred lands that may not be listed in the Sacred Lands File. The County conducted informational outreach to tribes across Los Angeles County for the project, as well as formal consultation with tribes included on the County’s AB 52 consultation list, which is described below. The responses to this outreach and consultation confirmed the sensitivity of existing archaeological discoveries and the potential for additional Native American materials to be preserved as buried deposits within the project site.

### **5.14.1.4 Existing Tribal Cultural Resources**

As discussed in Section 5.4, Cultural Resources – Archaeological Resources, two archaeological sites identified in the California Historical Resources Information System (CHRIS), LAN-159 and LAN-1261H, have been combined and are referenced herein as the La Brea Tar Pits Archaeological Site (LAN-159/H), which is within the project site. A separate designation has been given to Hancock Park – La Brea as California Historical Landmark (CHL) No. 170 and an associated listing in the CHRIS as P-19-171007, but the historical significance of this resource and its status as a CHL focuses on the role of the site in the history of paleontology and excludes components that may be considered a tribal cultural resource.

LAN-159/H contains the material record of past Native American activities at the site from at least 10,000 to 3,200 years ago, and historical refuse from as long ago as the 1860s through the twentieth century (Millington and Dietler 2023). In terms of the Native American component of the La Brea Tar Pits Archaeological Site, there have been a total of 77 artifacts recovered from the site, in addition to the skeletal remains of a female Native American and a domesticated dog. The date range for the Native American component is based on radiocarbon dating<sup>1</sup> on samples of the young female remains dated to 10,200–10,250 calibrated years before present (cal B.P.), a wooden atlatl foreshaft dated to 4536–5583 cal B.P., and a domesticated dog dated to 3250–3400 cal B.P. The historical component of the site (formerly LAN-1261H) was recovered from a single feature recorded in 1986 and was composed of various pieces of historical refuse, some indicating the materials were deposited as long ago as the 1860s. In addition to previously recorded resources within the project site, Phase 1 and Phase 2 investigations at the site confirmed the potential for previously undocumented and/or unknown Native American archaeological components and non-Native American historical artifacts to be located within the project site and near the previously recorded materials (Millington and Dietler 2023).

The boundary of LAN-159/H is defined as the full extent of the project site plus a small portion that extends outside the project site to the southwest and into the lawn area in front of the Shin’en Kan Pavilion (formerly site LAN-1261H). The Native American component of LAN-159/H includes 10 localities spread across an area measuring 185 meters (m) long and 30 m wide along the southwestern

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<sup>1</sup> Calibrated radiocarbon dates are expressed here as cal B.P., or calibrated (years) before present, and are distinct from uncalibrated radiocarbon dates that require calculations to adjust for variations in the atmospheric carbon dioxide. As is the scientific convention for dates based upon radiocarbon measurements, dates expressed in B.P. are calculated backwards from the year 1950.

portion of Hancock Park and the project site. Artifacts were identified at depths ranging between 0.3 and 5.9 m below the surface, varying in absolute elevation based on the period in which they were deposited. Additional components could be present within the surface-level overburden—sediments created through artificial means—or in the underlying alluvium that is composed of asphaltic and non-asphaltic sediments. The remarkable preservation of Pleistocene floral and faunal remains for which La Brea Tar Pits are well known are those mainly deriving from the asphaltic sediments, although substantial portions of the fossil-bearing asphaltic sediments lack any evidence of human activity and may be too old to include them. Thus, while many portions of the LAN-159/H boundary are unlikely to contain additional Native American components, this boundary, based on the confirmed and likely archaeological expressions, represents a reasonable approximation for purposes of delineating LAN-159/H as a tribal cultural resource.

The age of the human remains demonstrates the longevity of La Brea Tar Pits as a place where Native Americans would gather and, at a minimum, collect the naturally occurring asphaltum (also known as bitumen). Bitumen was used for a variety of purposes, much of which involved its use as a waterproofing and adhesive agent. The La Brea site is the most substantial onshore bitumen source known in the Los Angeles Basin. Bitumen was also known to have been collected from coastal settings where the submarine tar seeps would produce tarballs that washed ashore, which were especially common in what are now Santa Barbara, Ventura, and Los Angeles Counties. One of the shell artifacts recovered from the La Brea Tar Pits Archaeological Site was stained with bitumen and interpreted as part of a small scoop used to extract bitumen.

Notably, when the Spanish party accompanying Portolá passed through the Los Angeles Basin in 1769, they followed a route west (approximated by segments of Wilshire Boulevard) and passed by the tar pits, later remarking on the presence of the tar (in Spanish, *la brea*) and marshes in their written accounts. It is widely assumed that Native Americans continued to use the site as a bitumen source at least into the early part of the Spanish period. Indeed, it was local Native American people who guided the Spanish along the route through this portion of the Los Angeles Basin, and the earliest ethnographic sources recording the Native American use of bitumen come from these Spanish records. La Brea Tar Pits still have cultural significance to contemporary Native American groups who observe traditional practices that incorporate the extraction and use of bitumen. Temporary Native American settlements or use-areas associated with bitumen extraction are likely to have once been present in the immediate vicinity; however, to date, few to no Native American artifacts have been documented outside of the components depicted in 10 localities within LAN-159/H.

Based strictly on a scientific assessment, LAN-159/H meets the definition of a historical resource and a unique archaeological resource. Given the input of consulting tribal parties (discussed below in Section 5.14.4, Impact Assessment Methodology), LAN-159/H is also a tribal cultural resource.

## **5.14.2 Regulatory Setting**

The following section describes the regulations that are most relevant to the tribal cultural resources that may be affected by the project. Additional regulations that are relevant, but less directly so, are described in related sections of this EIR, including Section 5.4, Cultural Resources – Archaeological Resources, and Section 5.5, Cultural Resources – Historical Resources.

### **5.14.2.1 Federal**

There are no federal regulations related to cultural resources applicable to the project.

### **5.14.2.2 State**

State regulations applicable to tribal cultural resources include portions of the PRC, CCR, and Health and Safety Code are summarized in Section 5.4, Cultural Resources – Archaeological Resources. These include sections cross-referenced by portions of the PRC addressing tribal cultural resources. Specifically, these include provisions establishing the California Register of Historical Resources (CRHR) criteria, definitions of historical resources and unique archaeological resources, and the process by which human remains are treated, including steps requiring notification to the NAHC and designated most likely descendant if the remains are confirmed to be Native American in origin. The following sections focus on regulations that are more exclusively applicable to the assessment of tribal cultural resources and the government-to-government consultation process between California Native American tribes and the County as the CEQA Lead Agency.

#### **ASSEMBLY BILL 52**

AB 52 established the category of a tribal cultural resource for purposes of environmental review and formalized the lead agency–tribal consultation process. 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. While CEQA requires assessment of tribal cultural resources independently from archaeological resources, tribal cultural resources may be archaeological in nature and require consideration as both types of resources.

#### **TRIBAL CULTURAL RESOURCES**

Section 4 of AB 52 adds Sections 21074(a) and (b) to the PRC, which address tribal cultural resources and cultural landscapes. Section 21074(a) defines tribal cultural resources as one 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 CRHR.
  - B. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 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. 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.

Section 1(a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on tribal cultural resources should be considered under CEQA. Section 6 of AB 52 adds 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.”

#### **TRIBAL CONSULTATION**

The provisions of AB 52 require that the lead agency initiate consultation with California Native American groups that are traditionally and culturally affiliated with the project, including tribes that may not be federally recognized. PRC 21080.3.1(b) states that the lead agency is required to begin consultation prior to the release of a Negative Declaration, Mitigated Negative Declaration, or EIR if: 1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated

with the tribe, and 2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. PRC 21080.3.1(d) defines the minimum requirements for notification as sending “at least one written notification including a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.”

If a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects on tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]). Consultation is defined according to California Government Code Section 65352.4 and is defined as the “meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement.” Government Code Section 65352.4 requires that consultation be conducted in a manner that is mutually respectful of each party’s sovereignty and recognizes the confidentiality of places of traditional cultural significance.

### **5.14.2.3 Local**

Local regulatory and guidance documents pertaining to cultural resources, including archaeological resources and tribal consultation, are provided in Section 5.4 of this EIR. Of note is Policy C/NR 14.4 in the County of Los Angeles General Plan (2015), which requires proper notification procedures to Native American tribes, consistent with Senate Bill 18. While this policy does not apply to the project since there is no General Plan Amendment proposed, there is inference that proper tribal consultation should occur. The process and consultation that the County has implemented pursuant to PRC 21080.3.1 and the informational outreach are consistent with this guidance. Also, Policy C/NR 14.6 directs that proper notification and recovery processes shall be carried out for development on or near historic, cultural, and paleontological resources. Broadly, a tribal cultural resource that is archaeological in nature is considered to be a type of cultural resource and, thus, is addressed by this policy.

### **5.14.3 Thresholds of Significance**

The following thresholds of significance are based on the Environmental Checklist contained in Appendix G of the State CEQA Guidelines. A project would result in significant adverse impacts related to tribal cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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 CRHR, or in a local register of historical resources as defined in PRC 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

#### 5.14.4 Impact Assessment Methodology

LAN-159/H contains the material remains of Native American use between at least 10,000 and 3,200 years ago, and historical refuse from the 1860s through the twentieth century. It was determined that LAN-159/H is eligible for the CRHR under Criterion 4 because it possesses sufficient archaeological data with the potential to contribute important information to history and it retains integrity. The Native American component of the site also appears to meet the definition of a unique archaeological resource. Consulting tribal parties have also expressed that the site has cultural value, and the assembled evidence indicates that the site meets the definition of a tribal cultural resource. Therefore, for the purposes of this project, LAN-159/H is considered a historical resource and tribal cultural resource under CEQA. As with historical resources, the significance of a tribal cultural resource may be impacted by direct physical disturbance associated with future development or indirectly through a change in setting or increased use of the area.

On March 8, 2022, AB 52 consultation letters were sent to representatives from the following five tribal organizations who had previously requested to be included on the County's AB 52 consultation list: Fernandeno Tataviam Band of Mission Indians, Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, San Manuel Band of Mission Indians, and Tejon Indian Tribe. Responses were received from four of the five tribal parties. One of the four responding tribes stated they did not wish to consult, one requested a copy of the cultural and tribal cultural resources technical study or EIR section, and two groups requested consultation and have been actively engaged in correspondence with the County.

On March 4, 2022, the NAHC provided a list of 38 individuals affiliated with their respective tribal organizations who are included on a contact list for all of Los Angeles County. This is compiled from the same list included with a Sacred Lands File search but expanded to include County-wide contacts. The list included the five contacts from the County's AB 52 list. To be broadly inclusive of the area's Native American community, the County elected to share information and solicit input from tribes throughout the county. The County sent informational letters to the 33 tribal contacts who were not on the AB 52 list on March 8, 2022, and four responses were received. A representative from the Gabrieleno Tongva Indians of California Tribal Council responded by providing input and asked to participate in the implementation of the proposed mitigation measures. The Pechanga Band of Indians requested a site visit for tribal members as an activity unrelated to the proposed project, which was granted by the County and facilitated by staff at the George C. Page Museum (Page Museum). Representatives from the Quechan Tribe of the Fort Yuma Reservation and the Rincon Band of Luiseno Indians acknowledged receiving the notification letters but did not have any information to provide and deferred to local groups.

This discussion focuses on the County's coordination with the following tribes that requested consultation for the project under AB 52:

- Fernandeno Tataviam Band of Mission Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians



### 5.14.5 Environmental Impact Analysis

***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, or 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 in or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC 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 PRC Section 5024.1. The lead agency shall consider the significance of the resource to a California Native American tribe.***

The County, as the CEQA Lead Agency, has provided notification to Native American tribes affiliated with the project site pursuant to AB 52. Responses were received from four of the five tribes: Fernandeano Tataviam Band of Mission Indians, Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, and San Manuel Band of Mission Indians. Of those responses, Fernandeano Tataviam Band of Mission Indians, Gabrieleno Band of Mission Indians – Kizh Nation, and Gabrieleno/Tongva San Gabriel Band of Mission Indians have requested consultation for the project. The project site contains LAN-159/H, which is recommended eligible for the CRHR under Criterion 4 because it possesses sufficient archaeological data with the potential to contribute important information to history and it retains integrity. Based strictly on this scientific assessment, LAN-159/H meets the definition of a historical resource and a unique archaeological resource.

### CONSTRUCTION

The project would result in renovation and upgrades throughout the Tar Pits complex, including the 13-acre portion of Hancock Park and the Page Museum. At the time of preparation of this report, final engineering, design, and grading plans for the project had not been finalized. Because the project design is at a preliminary stage, the level detail needed to determine the precise depth and extent of ground disturbance is not known. However, the level of design that has occurred to-date allows for a general characterization of the overall ground disturbance and excavation that would be necessary for the project. For impact assessment purposes, the design team for the project, working with the Los Angeles County Museum of Natural History Foundation and the County, estimates that, at most, the project would require excavations 6 to 10 feet below ground, potentially involving 53,000 cubic yards of cut/export and 37,000 cubic yards of imported fill. These estimates represent the most impactful scenario in terms of depths and horizontal extent of excavation within the project site. Thus, ground-disturbing activities have the potential to directly impact LAN-159/H as a tribal cultural resource.

Given the input provided by the consulting tribal parties, the contents of LAN-159/H and any additional components that may be buried within the project site have cultural value, which extends beyond the scientific data potential. The consulting tribal parties have stated that they consider the materials previously recorded and any that may be identified to have cultural value, regardless of whether they are recovered from their originally deposited setting or have been moved via artificial means over time. Furthermore, three of the consulting tribal parties and one of the tribes contacted for informational

purposes have stated in a more generalized sense that they consider the site to be sensitive, sacred, or otherwise culturally significant. The boundaries of Native American components previously recorded for LAN-159/H have been delineated within the larger site boundary that occupies the full extent of the project site. While not all subsurface settings within the project site boundary have an equal probability of containing additional Native American components, the boundary established for LAN-159/H represents a reasonable approximation of the area in which additional Native American materials could be preserved and provides an adequate basis on which the potential for project impacts can be assessed. Thus, LAN-159/H meets the definition of a tribal cultural resource. Therefore, impacts to tribal cultural resources during project construction could be *significant*.

## OPERATION

Operation of the project would not result in any ground-disturbing activities such as grading or excavation outside of the existing research sites; therefore, there is no potential to encounter, alter, or disturb tribal cultural resources during project operation. No impact would occur during project operation.

<b>TCR Impact 1</b>	
<p>During project construction, the project could cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Sections 5020.1(k) and 5024.1. Construction impacts could be significant.</p> <p>Project operation would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Sections 5020.1(k) and 5024.1. No operational impacts would occur.</p> <p>(CEQA Checklist Appendix G Threshold XVIII. a, i and ii)</p>	
<b>Mitigation Measures</b>	
<b>TCR/mm-1.1</b>	<p><b>Retain Tribal Consultants.</b></p> <ul style="list-style-type: none"> <li>a. <i>Prior to any ground-disturbing activities on the project site associated with the proposed project, the Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, and Gabrielino Tongva Indians of California shall be retained as Tribal Consultants. Each of the Tribal Consultants shall provide the services of a representative, known as a Tribal Monitor. The Tribal Monitor(s) shall be present on-site and carry out actions described in the Archaeological and Tribal Cultural Resources Management Plan (AR-TCR Management Plan) and any actions required to comply with mitigation measures for tribal cultural resources. These actions shall include but not be limited to monitoring ground-disturbing activities. Ground disturbing activities are defined as excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing trees, clearing, driving posts or pilings, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. The frequency of the monitoring services shall be provided on a rotational basis as outlined in TCR/mm-1.3.</i></li> <li>b. <i>At least 21 days before any ground disturbing activities commence, each of the Tribal Consultants shall submit a letter of retention to the Museum of Natural History confirming that the that they have been retained consistent with the terms of the TCR/mm-1.1.</i></li> </ul>

TCR Impact 1

TCR/mm-1.2 *Prior to any ground-disturbing activities on the project site associated with the proposed project, the Tribal Consultants or Tribal Monitors shall provide a worker training to on-site project personnel responsible for supervising ground-disturbing activities (i.e., foreman or supervisor) and machine operators. The initial training shall be conducted prior to the start of ground-disturbing activities in the project site. The worker training shall include but not be limited to any topics related to protocols related to tribal cultural resources, regulatory compliance requirements, monitoring procedures and stop-work restrictions, and any other applicable mitigation measures that must be adhered to during ground-disturbing activities for the protection of tribal cultural resources. As an element of the worker training, the Tribal Consultants or Tribal Monitors shall advise the construction crews on proper procedures to follow if an unanticipated tribal cultural resource is discovered during construction whether a Tribal Monitor is present or not. The Tribal Consultants or Tribal Monitors shall also provide the construction workers with contact information for the Tribal Consultants and Tribal Monitors. Once the ground disturbances have commenced, the need for additional or supplemental worker training shall be determined through consultation with the Tribal Consultants, and project proponent or their designated project supervisor. Within 5 days of completing a worker training, a list of those in attendance shall be provided to the Museum of Natural History by the Tribal Consultants, the Qualified Archaeologist, or a designee of either parties.*

TCR/mm-1.3 *Monitoring for Tribal Cultural Resources.*

- a. *Prior to any ground-disturbing activities associated with the project, a minimum of one Tribal Monitor shall be present during ground-disturbing activities as stipulated in the AR-TCR Management Plan. The AR-TCR Management Plan shall establish a monitoring schedule in a manner that provides opportunities for each of the three Tribal Consultants to participate in monitoring throughout the project's duration and within specific project phases that involve ground-disturbing activities. The monitoring schedule shall be determined at the sole discretion of the Museum of Natural History. The Museum of Natural History or their designee shall notify each Tribal Consultant in advance of its assigned monitoring period to allow for adequate preparation and planning. The Qualified Archaeologist shall be responsible for coordinating and communicating with the Tribal Consultants to address the need for consistency in reporting of the results during the rotational monitoring process. If one Tribal Monitor is unable to attend on a given day, but another Tribal Monitor is present, ground disturbing work shall commence. The need for additional monitors exceeding the two respective Tribal Monitors shall be assessed if the areas subject to monitoring exceeds what can be reasonably covered. The Tribal Monitors shall work under the direction of their respective Tribal Consultant.*
- b. *The Tribal Monitors shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities (the type of construction activities performed and location of ground-disturbing activities), sediment types, presence or absence of tribal cultural resources or potential tribal cultural resources, and any other facts, conditions, materials, or discoveries of significance to the Tribal Consultants. Monitor logs shall identify and describe any discovered tribal cultural resources or potential tribal cultural resources as defined in Public Resources Code Section 21074(a), which includes but is not limited to Native American artifacts, remains, places of significance, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project lead agency and the Qualified Archaeologist for purposes of summarizing in the monitoring report.*
- c. *The Tribal Monitors shall have the authority to temporarily halt or redirect construction activities if a tribal cultural resource or potential tribal cultural resource is exposed during construction. If a tribal cultural resource or potential tribal cultural resource is identified, work in the immediate vicinity (not less than 50 feet) of the find shall stop unless another distance is determined by both the Tribal and Archaeological Monitors, which shall consider 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. Construction activities may continue in other areas in coordination with the qualified archaeologist and tribal consultant.*

<b>TCR Impact 1</b>	
<p>d. <i>If a potential component of the existing tribal cultural resource (LAN-159/H) is identified, it shall be assessed by the Tribal Consultants as a tribal cultural resource in terms of its cultural value, based on tribal expertise, and supported by substantial evidence. If the discovery is archaeological in nature, then the assessment shall also incorporate the Qualified Archaeologist's evaluation as a potential contributor to the significance of LAN-159/H based on the California Register of Historical Resources criteria or as a unique archaeological resource, as specific in the AR-TCR Management Plan and in substantial conformance with the Archaeological and Tribal Cultural Resources Assessment. Any identified tribal cultural resources shall be assessed by both Tribal Consultants and the materials shall be cataloged and stored at the Page Museum for the period in which the ground-disturbing activities are occurring. Further analysis and the disposition of any collected materials shall be determined through consultation with the Tribal Consultant, the County, and informed by the evaluation of the materials as elements that contribute to the significance of the archaeological resource. Any consultation required shall occur on an as-needed basis during the ground-disturbing activities and continue after tribal monitoring has concluded as part of the reporting process described in Part F of TCR/mm-1.4 and CR-ARCH/mm-1.4.</i></p> <p><i>If initial monitoring identifies no further sensitivity (i.e., sediments incapable of containing tribal cultural resources) 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 assessed by the Tribal Consultant in consultation with the Qualified Archaeologist and communicated to the Museum of Natural History in writing prior to reduction. Monitoring for tribal cultural resources shall be required until there is written confirmation from the County or a supervisor responsible for overseeing the ground-disturbing activities that there shall be no further ground-disturbing activities on the project site or in connection with the project site, either for the duration of the project.</i></p> <p>e. <i>Within one month of concluding the tribal cultural resources monitoring, the Tribal Consultants shall prepare a memo stating that the monitoring requirements have been fulfilled consistent with the terms of TCR/mm-1.3 and summarize the results of any finds and actions taken by the tribal monitor to implement the final measures related to tribal cultural resources. The memo shall be submitted to the Museum of Natural History and the Qualified Archaeologist to be attached to a final archaeological and tribal monitoring report prepared by the Qualified Archaeologist consistent with CR-ARCH/mm-1.4.</i></p>	
<p><b>TCR/mm-1.4</b></p>	<p><i>If human remains are encountered during construction all ground-disturbing work shall be immediately diverted from the discovery as directed by the Tribal Consultant and Qualified Archaeologist and based on consideration of the possibility that additional or multiple Native American human remains may be located in the project site, and after having considered whether the bones are human or faunal. Upon discovery of human remains, whether 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.</i></p>
<p><b>Impacts Following Mitigation</b></p>	
<p><i>Mitigation Measures TCR/mm-1.1 through TCR/mm-1.4 have been developed considering input from the Fernandeño Tataviam Band of Mission Indians, Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, and Gabrielino Tongva Indians of California. Implementation of TCR/mm-1.1 through TCR/mm-1.4 during project construction would reduce the project's construction impacts to less than significant. No operational impacts would occur.</i></p>	

Grading plans and construction drawings have not been prepared and the specific phases of the project implementation have not been determined. Preparing the Archaeological Resources-Tribal Cultural Resources (AR-TCR) Management Plan using more advanced project designs and based on an anticipated schedule for the types of construction activities would allow the AR-TCR Management Plan to better account for this information in the document and ensure proper implementation. However, the project plans and design as proposed and the analysis of a known archaeological and tribal cultural resource, supported by substantial evidence, are sufficiently detailed to allow for the specific performance criteria to be identified for the AR-TCR Management Plan, the implementation of which would occur at a later time.

According to State CEQA Guidelines 15126.4(b)(3), preservation in place (i.e., avoidance) is the preferred manner of treatment of a significant archaeological site. If a previously unrecorded archaeological component of LAN-159/H is identified during ground-disturbing activities for the project and is found to contribute to the significance of the site, it is possible that under some circumstances preservation in place would not be a feasible form of mitigation under any of the examples listed in State CEQA Guidelines, and alternative treatment options would be required to avoid or reduce potentially significant impacts. If avoidance is not feasible, treatment may include archaeological data recovery (i.e., excavation, laboratory processing, and analysis) to obtain important information and thereby reduce potential impacts to less than significant.

### **5.14.6 Cumulative Impact Analysis**

For the purposes of this EIR analysis, the geographic context for the analysis of cumulative impacts to tribal cultural resources is defined as the northwestern Los Angeles Basin—approximately the area west of the Los Angeles River, south of the Santa Monica Mountains, east of the Pacific coastline, and north of the Palos Verde Peninsula. The northwestern Los Angeles Basin area is large enough to contain a representative sample of Native American archaeological sites that could be important to affiliated California Native American tribes, and it is small enough to account for the cumulative impacts from projects on a more local scale. Importantly, the northwestern Los Angeles Basin is fully within the traditional territory of the Gabrielino and to a lesser extent the overlapping portions of the traditional territory of Tataviam-affiliated groups. The full extent of the traditional Gabrielino territory includes adjoining regions to the north, east, and south. Further discussion of the northwestern Los Angeles Basin as the geographic context used to analyze cumulative impacts is provided above in Section 5.4.6, which is focused upon archaeological resources but is relevant to the analysis of tribal cultural resources.

Tribal cultural resources are nonrenewable, irreplaceable, and inherently important to the Native American descendants, and their destruction prevents further study of past lifeways and history. Projects that could be developed in the northwestern Los Angeles Basin include the development projects listed in Chapter 4, Environmental Setting, as well as additional development projects beyond the geographical limit of the cumulative project listing contained in Chapter 4. The development of projects in the northwestern Los Angeles Basin could result in the destruction of tribal cultural resources and, particularly those for land development and transportation, would have the potential to result in a cumulative impact associated with the loss of tribal cultural resources. Given the potential for tribal cultural resources in the northwestern Los Angeles Basin and the number of construction activities that involve disturbance of areas sensitive for tribal cultural resources, cumulative impacts to tribal cultural resources could occur through physical demolition, destruction, relocation, or alteration to a resource such that it would cause an adverse change in the significance of tribal cultural resources—CRHR-eligible resources as defined in PRC Section 2020.1(k) or resources considered by the County to be tribal cultural resources pursuant to PRC Section 5024.1.

The project has the potential to contribute to a loss of tribal cultural resources that could combine with impacts from past, present, and reasonably foreseeable projects prior to implementation of the mitigation measures outlined previously in this section. The project’s contribution toward cumulative effects on tribal cultural resources in the region could be significant if mitigation measures were not required and implemented to address the potential for direct impacts and the potential for project contribution to cumulative impacts.

As provided in the environmental impacts analysis in Section 5.14.5, a series of mitigation measures have been developed to address the project’s potential for impacts to tribal cultural resources, which build upon and enhance the process put forward in Mitigation Measures CR-ARCH/mm-1.1 through CR-ARCH/mm-1.4. These mitigation measures have been developed to not only address direct impacts of project implementation, but also to address the project’s contribution to cumulative tribal cultural resource impacts. Implementation of Mitigation Measures TCR/mm-1.1 through TCR/mm-1.4—which provide for retention of a qualified tribal consultant, worker training, monitoring by tribal monitors, and treatment of unanticipated discoveries—would ensure that tribal cultural resources impacts, both direct and contributions to cumulative impacts, are reduced to less than significant with mitigation. Taken together, implementation of these mitigation measures would ensure that the project would have less-than-significant impacts related to tribal cultural resources, as well as address the project’s potential for significant contributions to potential cumulative tribal cultural impacts in the northwestern Los Angeles Basin.

<b>TCR Impact 2 (Cumulative Impacts)</b>
Prior to the consideration of proposed mitigation measures, construction of the project could result in significant contributions to cumulative impacts related to the disturbance and destruction of tribal cultural resources.
<b><i>Mitigation Measures</i></b>
<i>Implement Mitigation Measures TCR/mm-1.1 through TCR/mm-1.4. These measures put forward a process that ensures any new tribal cultural resources or new components of an existing tribal cultural resource will be identified, inventoried, evaluated for significance in terms of its value to a California Native American tribe, and treated appropriately if found to be a contributing element.</i>
<b><i>Impacts Following Mitigation</i></b>
<i>With implementation of Mitigation Measures TCR/mm-1.1 through TCR/mm-1.4, the project’s contribution to cumulative impacts to known and potentially unknown tribal cultural resources would be reduced to less than significant.</i>