

4.13 Tribal Cultural Resources

4.13.1 Introduction

This section provides an assessment of potential impacts to tribal cultural resources that could result from the Project. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project, as required by the California Environmental Quality Act (CEQA) as recently amended by Assembly Bill 52 (AB 52). Native American consultation materials are provided in Appendix N of this Draft Environmental Impact Report (EIR).

AB 52 was signed into law on September 25, 2014, and it requires Lead Agencies to evaluate a project's potential to impact tribal cultural resources and establishes a consultation process for California Native American Tribes as part of CEQA. Tribal cultural resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources. AB 52 also gives Lead Agencies the discretion to determine whether a resource qualifies as a tribal cultural resource on the basis of criteria for listing in the state register of historical resources. The Lead Agency must support such a determination with substantial evidence. Written notice of a proposed project and a 30-day window to request consultation is to be provided to a California Native American Tribe that has previously requested it and that is traditionally and culturally affiliated with the geographic area of a proposed project.

As discussed in the Initial Study provided in Appendix A-2 of this Draft EIR, other cultural resources, including historical resources, archaeological resources, paleontological resources, and human remains, were addressed, and the Initial Study concluded that impacts on these resources would be less than significant. For historic resources, the Initial Study concluded that the Project would have no direct impacts on known or potential historic resources in the Project Site vicinity and no mitigation measures would be required. For archaeological resources, the Initial Study concluded the Project could result in the unanticipated discovery of previously unknown archaeological resources. In order to reduce this impact, the Initial Study required implementation of mitigation measure MM-CULT-1, which includes full-time archaeological monitoring and unanticipated discovery protocol, and is provided to reduce potential impacts to a less than significant level. For paleontological resources, protocols to be followed in the event of unanticipated discovery as set forth in MM-CULT-2 would reduce potential impacts to a less than significant level. For human remains, the Initial Study cited the regulatory provisions that address the handling of human remains in the event that previously unknown human remains are encountered, as well as if the remains are determined to be Native American. Compliance with the regulatory provisions would ensure such impacts are reduced to a less than significant level.

Information obtained during Native American consultation and correspondence contained in Appendix N of this Draft EIR demonstrate that the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code (PRC) Section 21074.

The Project entitlements include a Sign District on the Project Site and surrounding parcels. Installation of signage would not result in material ground disturbance or tribal cultural resource impacts. Thus, this issue is not addressed further in this Tribal Cultural Resources section.

4.13.2 Environmental Setting

The Project Site is located in a region traditionally inhabited by the Takic-speaking Gabrielino-Tongva Indians. The term “Gabrielino”¹ is a general term that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. Many contemporary Gabrielino identify themselves by the name “Tongva.” Prior to European colonization, the Gabrielino-Tongva occupied a diverse area that included: the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina.² Their neighbors included the Chumash to the north, the Juañeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino-Tongva are reported to have been second only to the Chumash in terms of population size and regional influence.³ The Gabrielino language, like the Tataviam language, was part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino-Tongva Indians were hunter-gatherers and lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game was hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison.⁴ The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay or holly-leaved cherry.

Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino-Tongva are estimated to have had a population numbering around 5,000 in the pre-contact period.⁵ Villages are reported to have been the most abundant in the San Fernando Valley, the Glendale Narrows area north of downtown, and around the Los Angeles River’s coastal outlets.⁶ Gabrielino villages are reported by early explorers to have been

¹ The spelling of Gabrielino, when used as a general term in this section, follows the accepted spelling used in the literature. When used in specific reference to the Kizh Gabrieleno Tribe, however, that tribe’s preferred spelling is followed.

² Kroeber, A. L. Handbook of the Indians of California. Bureau of American Ethnology, Bulletin 78, Smithsonian Institution, Washington, D.C., 1925.

³ Bean, Lowell J., and Charles R. Smith, Gabrielino, in California, edited by R.F. Heizer, pages 538-549. Handbook of North American Indians, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C., 1978.

⁴ Bean, Lowell J., and Charles R. Smith, Gabrielino, in California, edited by R.F. Heizer, pages 538-549. Handbook of North American Indians, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C., 1978.

⁵ Kroeber, A. L. Handbook of the Indians of California. Bureau of American Ethnology, Bulletin 78. Smithsonian Institution, Washington, D.C., 1985.

⁶ Gumprecht, Blake, Los Angeles River: Its Life, and Possible Rebirth, The Johns Hopkins University Press, Baltimore, 1999, reprinted 2001.

most abundant near the Los Angeles River, in the area north of downtown, known as the Glendale Narrows, and those areas along the river's various outlets into the sea. Among those villages north of downtown are *Maawnga* in the Glendale Narrows; *Totongna* and *Kawengna*, in the San Fernando Valley; *Hahamongna*, northeast of Glendale; and the village of *Yangna*, in the vicinity of present-day Downtown Los Angeles.

The exact location of *Yangna*, within Downtown Los Angeles continues to be debated, although some believe it to have been located at the present-day location of the Civic Center.⁷ Other proposed locations are near the present day Union Station,⁸ to the south of the old Spanish Plaza, and near the original site of the Bella Union Hotel located on the 300 Block of North Main Street.⁹ Other experts hypothesize that the Union Station location is an unlikely spot for a large village or habitation, as it lies within the annual Los Angeles River flood zone.¹⁰ Local sources such as the Echo Park Historical Society, report that when Gaspar de Portola and Father Juan Crespi camped on the river bank opposite the North Broadway Bridge entrance to Elysian Park, they were served refreshments by *Yangna* Indian villagers from the current location of the Los Angeles Police Academy.¹¹ The Los Angeles Police Academy is located in the northern portion of Elysian Park, which appears an unlikely location for the Native American Village of *Yangna* because this location is more consistent with the location of the village of *Maawnga*, which was reported to have been originally located within the *Rancho de los Felis*. This rancho originally encompassed Griffith Park and extended south to the northern portion of Elysian Park. The village of *Maawnga*, also recorded as *Maungna*, is believed to have been located "high on a bluff overlooking Glendale Narrows in the hills now occupied by Elysian Park."¹²

A third community or village, named *Geveronga*, may have been located in the vicinity of the current Downtown Los Angeles' city center, reported in the San Gabriel baptismal records as located "in the rancheria adjoining the Pueblo of Los Angeles."¹³

⁷ McCawley, William, *The First Angelinos: The Gabrielino Indians of Los Angeles*, Malki Museum Press, Banning, California, 1996.

⁸ Chartkoff, J. L. and K. K. Chartkoff, *The Archaeology of California*. Menlo Park: Stanford University Press, 1984.

⁹ Robinson, W. W., *Myth-Making in the Los Angeles Area*. *Southern California Quarterly* 15(1), pages 83–94, 1963. As cited in Brian Dillon, *Alameda District Plan, Los Angeles, California: Prehistoric and Early Historic Archaeological Research*, 1994. On file: South Central Coastal Information Center, California State University, Fullerton.

¹⁰ Dillon, Brian, *Alameda District Plan, Los Angeles, California: Prehistoric and Early Historic Archaeological Research*, 1994.

¹¹ Echo Park Historical Society, *Historic Echo Park, Elysian Park*, 2008, <http://historicechopark.org/history-landmarks/places-landmarks/elysian-park/>. Accessed June 5, 2017.

¹² Gumprecht, 2001, page 31.

¹³ McCawley, William. *The First Angelinos: The Gabrielino Indians of Los Angeles*, Malki Museum Press, Banning, California, 1996.

History of the Project Site

The earliest depiction of the Project Site is a map produced by U.S. Army Lieutenant E.O.C. Ord in 1849.¹⁴ The map indicates that as of 1849, the Project Site had been platted as blocks with a rectilinear street grid, but the blocks had not yet been subdivided into smaller parcels or developed.

For the Pueblo of Los Angeles, the *zanjas*, or publicly owned irrigation ditches, sustained the area for many years and enabled ranching and cultivation of the fertile floodplains. The *zanjas* were established by the residents' Mexican predecessors, and consisted of gravity systems, which resulted in the irrigation of lands that lay to the south of the source. Lands at a higher elevation could not be irrigated by the *zanjas*. The *Zanja Madre* (Mother Ditch) had been constructed, branching off of the river and carrying the water south to the agricultural lands surrounding the pueblo. As the pueblo grew and more water was diverted from the river, the supply began to dwindle. Initially, however, there was little worry about the future water needs of the City, and no regulation of the water distribution itself. Typically, farmers would dig their own ditches from the main ditches or from the river. Private water carriers hauled and sold water to households for domestic use.¹⁵ *Zanja 8-R* is mapped as running northeast/southwest parallel to, approximately 25 feet to the northwest of, Figueroa Street.

By the mid-19th century, City officials established a system of water use fees and rules to govern the *zanjas*. They created the official City position of *zanjero*, the highest paid of any public official in Los Angeles. The duties of the *zanjero* varied including issuance of permits for water usages, maintenance of the ditches, maintenance of the City dam, and even the early coordination of flood control work on the Los Angeles River.¹⁶ While the *zanjas* worked well for irrigation, the water was frequently unsuitable for domestic purposes. The City had no sewer system or other outlet for its liquid waste, and the *zanjas* were being used for laundry and bathing, as well as trash and sewage disposal. Several efforts to pipe domestic water directly to homes were tried as early as 1864. As the pueblo development and population expanded, an effort was made to develop a residential water system in Los Angeles with projects designed to distribute water by directly piping water into homes from local springs and the river. As Southern California grew, the Los Angeles River became an inadequate supply of water for the residential and industrial development that gradually displaced agricultural uses. With the arrival of the Southern Pacific Railroad, the demand became so great that the Los Angeles City Water Company began tapping the river's water supply before it even reached the surface. Water supply reservoirs began to be used and the *zanja* system was gradually abandoned and, in some cases, dismantled.¹⁷ By 1902, the Los Angeles municipal government took back jurisdiction of its own water needs and purchased the existing water system, which consisted of seven reservoirs and 337 miles of pipe.

¹⁴ Ord, E.O.C., Henry Hancock, George Hansen., Map of The City of Los Angeles Showing the Confirmed Limits Surveyed in August 1857 by Henry Hancock, Surveyed by E.O.C. Ord, Lt. U.S.A. and Wm. R. Hutton, Assistant, August 29, 1849. Donation Lots Surveyed by H. Hancock in August and April 1853, Geo. Hanson, Asst. Bancroft & Thayer, 1857.

¹⁵ Gumprecht, 2001.

¹⁶ Gumprecht, 2001.

¹⁷ Gumprecht, 2001.

Sanborn Fire Insurance maps depicting the Project Site indicate that in 1905, the eastern half of the Project Site, east of the alley, was developed with a two-story building housing ground-floor commercial uses and second-floor hotel rooms. By 1975, the building had been demolished and the eastern half of the Project Site had been cleared. It was paved and in use as a parking lot by 1975, and remains in this use today.

Sanborn Fire Insurance maps show that by 1906, four buildings were present in the western half of the Project Site, including a single-story residential dwelling near the alley, a building housing a store in the southwestern corner, an office building just north of the store, and the W.A. Phelps Planing Mill in the center of the site. By 1913, the southwestern portion of the Project Site (1250/1270 S. Figueroa St.) had been redeveloped with an auto and tire store. In 1919, the southeastern portion of the western half of the Project Site near the alley was redeveloped with a commercial warehouse (621 W. Pico Blvd.) and the northeastern portion near the alley was redeveloped with a two-story commercial building (1248 S. Figueroa St.).

By 1948 the Project Site was fully developed based on historic aerials (www.historicaerials.com, accessed July 1, 2017). The 1950 Sanborn Fire Insurance map indicates that the Project Site was still occupied by “Auto Sales” and a steel and concrete building dating from 1920. Wholesale drugs were located to the east of the Project Site and S. Figueroa and Pico Boulevards were in their modern configuration. By 1989 the northwest corner building had been demolished and the building configuration and parking lot were shown as they appear today.

Regulatory Framework

California Environmental Quality Act

Assembly Bill 52 and Related Public Resources Code Sections

AB 52 was approved by California State Governor Edmund Gerry “Jerry” Brown, Jr. on September 25, 2014. The act amended California 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. AB 52 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under CEQA, known as tribal cultural resources. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a Lead Agency shall, in its discretion and supported by substantial evidence. On July 30, 2016, the California Natural Resources Agency adopted the final text for the tribal cultural resources update to Appendix G of the CEQA Guidelines, which was approved by the Office of Administrative Law on September 27, 2016.

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 project¹⁸ and who have requested in writing to be informed by the Lead Agency.¹⁹ Tribes interested in consultation must respond in writing within 30 days from receipt of the Lead Agency's formal written notification and the Lead Agency must begin consultation within 30 days of receiving the tribe's request for consultation.²⁰

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.²¹

If a California Native American Tribe has requested consultation pursuant to PRC Section 21080.3.1 and has failed to provide comments to the Lead Agency, or otherwise failed to engage in the consultation process, or if the Lead Agency has complied with Section 21080.3.1(d) and the California Native American Tribe has failed to request consultation within 30 days, the Lead Agency may certify an EIR or adopt an MND.²²

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

4.13.3 Environmental Impacts

Methodology

As noted in PRC Section 21084.2, a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. PRC Section 21084.3 states that:

- (a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.
- (b) If the Lead Agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process

¹⁸ PRC Section 21073.

¹⁹ PRC Section 21080.3.1(b).

²⁰ PRC Sections 21080.3.1(d) and 21080.3.1(e).

²¹ PRC Section 21080.3.2(b).

²² PRC Sections 21082.3(d)(2) and (3).

provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

On January 4, 2016, the Native American Heritage Commission (NAHC) sent the City a letter in response to receiving the NOP for the Project. The letter recommended consultation with all California Native American Tribes with traditional and cultural affiliation in the Project area as early as possible. On January 27, 2017, pursuant to the requirements of AB 52 that require government-to-government consultation, the City as the Lead Agency for the Project sent consultation notification letters via certified mail to the California Native American Tribes that requested notification of any projects in the area. The letters included a description of the Project and provided its location, the City's contact information, and notification that the tribe had 30 days to request consultation with the City. The City received a letter response from one tribe, the Gabrieleno Band of Mission Indians - Kizh Nation (Kizh Gabrieleno Tribe) (Andrew Salas, Tribal Chair), on February 2, 2017. A qualified archaeologist reviewed and researched the documentation provided by the tribe as well as the evaluation of impacts presented in this section. Any maps and other evidentiary consultation materials provided by the tribe are considered confidential and are retained in the City's administrative files for the Project.

Mr. Salas, representing the Kizh Gabrieleno Tribe, provided information regarding potential tribal resources in his letter to the City. He indicated that the Project Site is in an area where the ancestral territories of the Kizh Gabrieleno Tribe villages adjoined and overlapped, at least during the Late Prehistoric and Protohistoric Periods. Mr. Salas recommended that a certified Native American monitor be on-site during ground-disturbing activities related to the Project, including pavement removal, post holing, auguring, boring, grading, excavation, and trenching.

In response to Mr. Salas' letter, on February 6, 2017 the City requested any records or additional information or evidence helpful in determining the existence of any tribal cultural resources on-site. The City then held a telephone consultation with Mr. Salas regarding South Park development projects in general (including the Project) on June 15, 2017, and requested evidence of tribal cultural resources that could potentially be affected by the Project. During the call, Mr. Salas mentioned that Olympic Boulevard was once a trading route through an isolated area outside of a

village where there are known artifacts such as mortars, or burial sites or fire pits/hearths. He referred to the LA County 1937 map, and, specifically, the annotation of a "very ancient road" on that map.²³ He also provided an article titled "Native American Trails."²⁴ Planning staff requested documents showing recordation of prior discoveries of artifacts on or around the Project Site, or substantial evidence of the "very ancient road" in the vicinity of the Project Site. Nothing further was provided by Mr. Salas and on July 19, 2017 the City sent Mr. Salas a letter concluding consultation and providing a determination that no substantial evidence exists to support a conclusion that the Project could cause a significant impact on tribal cultural resources.

Sacred Lands File Search

The NAHC maintains a confidential Sacred Lands File (SLF) which contains sites of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on June 14, 2017 to request a search of the SLF. The NAHC responded to the request in a letter dated June 16, 2017 and stated that "[a] search of the SLF was completed for the project with negative results," which indicates that the Project Site is not considered a sacred land.²⁵

Thresholds of Significance

Appendix G of the State CEQA Guidelines

In accordance with Appendix G of the State CEQA Guidelines, the applicable thresholds of significance with regard to tribal cultural resources are below. The Project could have a significant impact if it would:

- 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), or
 - 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 the Public Resource Code 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American Tribe.

City of Los Angeles CEQA Thresholds Guide

The City of Los Angeles CEQA Thresholds Guide (LA CEQA Thresholds Guide) does not identify any criteria for the evaluation of significant impacts to tribal cultural resources.

²³ Kirkman-Harriman Pictorial and Historical Map of Los Angeles County, 1860-1937, 1937, <https://www.lapl.org/collections-resources/visual-collections/kirkman-harriman-pictorial-and-historical-map-los-angeles>. Accessed August 2, 2017.

²⁴ Sharp, Jay, Native American Trails: History of Their Trails, undated, <https://www.desertusa.com/desert-trails/native-americans-trails.html>. Accessed August 2, 2017.

²⁵ Gayle Totton, M.A., Ph.D., Associate Governmental Program Analyst, Native American Heritage Commission, correspondence dated June 16, 2017.

Project Characteristics and Project Design Features

The Project would develop approximately 506,682 square feet of floor area within two hotel towers. The Project would provide up to 1,162 hotel rooms and would contain ground-floor retail establishments, several restaurants, and hotel lobby facilities that activate the pedestrian experience and adjoining street frontages. Construction activities would include excavation for two 18-foot-deep basements (1 for each building), grading, and the construction of appropriate foundations. The two basements would be connected by a subterranean tunnel beneath the alley that bisects the eastern and western sides of the Project Site. Excavation to a depth of approximately 27 feet below ground surface (bgs) is anticipated to construct the building basements, foundations, and tunnel. Approximately 49,000 cubic yards of soil would be excavated, all of which would require export and either recycling or disposal at a facility licensed to accept such soil.

No specific Project Design Features are proposed with regard to tribal cultural resources.

Project Impacts

State-Listed and Eligible and Locally Registered Resources

Threshold TCR-1: 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:

- 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)?

For purposes of impact analysis, a tribal cultural resource is considered a site, feature, place, cultural landscape, sacred place, or object which is of cultural value to a California Native American Tribe and is either on or eligible for the California Register or a local historic register. As discussed above, the City sent notification letters on January 27, 2017 to the California Native American Tribes that requested inclusion on the City's AB 52 notification list. As of July 1, 2017, the City had received only one response to these notification letters, from Andrew Salas, Tribal Chair for the Kizh Gabrieleno Tribe. Mr. Salas provided the City with information regarding potential trading routes and a map depicting a "very ancient road." The road is depicted as leading from the vicinity of San Pedro, well south of the Project Site, northward into Downtown Los Angeles. However, the scale of the map and level of detail contained therein are not sufficient to determine whether the depicted road bypasses or intersects with the current Project area. Moreover, the Project does not propose changes in the alignments of roadways in the Project vicinity which could have potential to follow the alignments of prehistoric trails or roads. In addition, the NAHC SLF search was negative for known tribal cultural resources in the Project area.

As part of consultation, the February 2, 2017, letter from Mr. Salas to the City indicated that that the Project Site (as well as the entire Los Angeles Basin) lies within an area where the ancestral territories of the Kizh Gabrieleno Tribe villages adjoined and overlapped during the Late Prehistoric and Protohistoric Periods. The letter implies that the Los Angeles Basin could be

considered a tribal cultural landscape; however, there is no evidence to date that indicates the Project Site itself is considered an important part, or independent feature, of the cultural landscape in the Los Angeles Basin. The letter also noted that home base sites within the ancestral territories are usually marked by midden deposits, often with bedrock mortars and grinding slicks on bedrock boulders, which signal the location of tribal cultural resources.

On June 15, 2017, the City further consulted with Mr. Salas to determine whether there was additional evidence of tribal cultural resources either on the Project Site or in the vicinity. Mr. Salas noted that Olympic Boulevard was a trading route (or “ancient road”) and that those types of features could occur in isolated areas outside of a village where artifacts such as mortars, burial sites, or fire pits/hearths could be located as evidence of tribal sites. Olympic Boulevard is approximately one-third of a mile away from the Project Site. Moreover, there are no indicators that the Project Site overlaps with the trading route or that the Project could cause a substantial adverse change to the potential trading route.

On July 19, 2017, the City, after acting in good faith and with reasonable effort, sent Mr. Salas a letter concluding consultation for the Project. The City based that decision on evidence in the record at that time. The City determined that the record did not contain substantial evidence that the Project may cause a significant impact on a tribal cultural resource. The City also determined that no mitigation measures relating to tribal cultural resources were required.

After the City concluded consultation, Mr. Salas provided additional information on July 25, 2017. He stated that there is evidence that there may be impacts to tribal cultural resources associated with Wilshire Boulevard as a cultural trading route used to trade items such as tar from the La Brea Tar Pits.²⁶ Mr. Salas further stated that resources recovered at the La Brea Tar Pits are known to be sacred to the Kizh Gabrieleno Tribe. Mr. Salas also repeated his earlier information regarding the use of the Olympic Boulevard alignment as a trading route.

Also after the City concluded consultation, on July 28, 2017, the City received a call from Gary Stickel, Ph.D., Tribal Archaeologist for the Kizh Gabrieleno Tribe. Dr. Stickel indicated that the tribe was concerned about the potential for the Project to affect a sensitive tribal cultural resource, which he described as a sycamore tree that was known through oral history and was important to the tribe. The tree to which Dr. Stickel referred is likely El Aliso, a sycamore tree that was located near the western bank of the Los Angeles River that oral history indicated that it was a gathering place for Native Americans in early Los Angeles.^{27, 28} Due to the tree’s height and size, it was visible from great distances and was reported to be the center of historic era villages of the local

²⁶ Critser, Greg National Geographic Traveler California, https://books.google.com/books?id=5zMKQjkUhUgC&pg=PT26&lpg=PT26&dq=wilshire+blvd+trading+native+american+route&source=bl&ots=-Usu_Qa7Oo&sig=J7j1aJ4gkstUjtNa6RwuS_8JNyE&hl=en&sa=X&ved=0ahUKewiZ_qjG6JbVAhWLhVQKHzyzAN4Q6AEIODAF#v=onepage&q=wilshire%20blvd%20trading%20native%20american%20route&f=false. Accessed August 2, 2017.

²⁷ Gumprecht, Blake, 2001.

²⁸ Crandell, John, *Homage to Downtown: In search of Place and Memory in Ancient L.A.*, published by Visions of L.A., Los Angeles, CA, 2010.

Indians who lived in the Plaza. Development gradually encroached on the tree and in 1895 it was cut down. Historic documentation places the former site of El Aliso just northeast of the intersection of Commercial and Garey Streets, which is currently under an on-ramp for US 101, approximately 2.15 miles from the Project Site.²⁹ There are no sensitive or protected trees on or around the Project Site.

The Project Site was initially developed in 1905 and 1906 with buildings that are no longer extant, and portions were subsequently redeveloped with new buildings in 1913 and 1919. The c. 1919 building remains on the Project Site, while all other previous buildings were demolished and the remainder of the Project Site was developed with surface parking by 1969. Phase I and Phase II Environmental Site Assessments were conducted to evaluate how past operations have disturbed the subsurface and what materials are still present, as summarized in Section 4.5, Hazards and Hazardous Materials, and in Appendix F, Hazardous Materials Documentation, of this Draft EIR. The geophysical survey included numerous soil borings. The borings and subsurface investigation indicated that on-site soils have been disturbed by the historic commercial uses of the Project Site.

Finally, none of the potential tribal resources disclosed during the consultation process, or after the City had concluded consultation, are either listed or eligible for listing³⁰ in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k). Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074. Impacts would be less than significant and no mitigation measures are required.

Threshold TCR-2: 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:

- 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 the Public Resource Code 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American Tribe?

In compliance with AB 52, the City sent notification letters on January 27, 2017 to the California Native American Tribes that requested inclusion on the City's AB 52 notification list. As of July 1, 2017, the City had received only one response to these notification letters, from the Kizh Gabrieleno Tribe. In its letter dated February 2, 2017, the Kizh Gabrieleno Tribe requested consultation with the City and expressed concerns that the area around the Project Site could

²⁹ Masters, Nathan, *El Aliso: Ancient Sycamore Was Silent Witness to Four Centuries of L.A. History*, 2012, <https://www.kcet.org/shows/lost-la/el-aliso-ancient-sycamore-was-silent-witness-to-four-centuries-of-la-history>. Accessed August 2, 2017.

³⁰ A determination that a resource is eligible must be made by the State Historical Resources Commission in accordance with the procedures in PRC Section 5024.1(f)(5).

contain tribal cultural resources. Mr. Salas requested that a certified Native American monitor be on-site during all ground disturbing activities.

As discussed above, the City responded and requested additional information that could demonstrate the existence of tribal cultural resources on-site. During a telephone call on June 15, 2017, Mr. Salas provided the City with information regarding potential trading routes discussed above and a hand-drawn map dating back to 1937 labeled *Kirkman-Harriman Pictorial and Historical Map of Los Angeles County 1860-1937*, and depicting a “very ancient road” and an on-line article from DesertUSA titled “History of Their Trails” by Jay W. Sharp.^{31, 32} There is no indication, however, that the Project Site overlaps with the trading route. The “very ancient road” is depicted as leading from the general vicinity of San Pedro northward into Los Angeles. In addition, the online article does not appear to indicate that any trading route, or other tribal cultural resources, is present on the Project Site.

As discussed above, additional information was provided after the City concluded consultation with its July 19, 2017 letter. The information referenced the sensitivity of Wilshire Boulevard as a trading route for tar and the information likely referenced the El Aliso tree that was approximately 2.15 miles away from the Project Site. The City has determined that neither of the potential tribal cultural resource are on or near the Project Site. Thus, the City as the Lead Agency has determined, in its discretion and supported by substantial evidence, that these potential resources would not be impacted by the Project.

Accordingly, the City determined, in its discretion based on the evidence in the record, that the Project would not cause a substantial adverse change in the significance of a tribal cultural resource pursuant to the criteria in subdivision (c) of PRC Section 5024.1. Therefore, impacts would be less than significant and no mitigation measures are required.

Cumulative Impacts

A cumulative impact of a project is an impact to which that project contributes and to which other projects contribute as well. The project must make some contribution to the impact; otherwise, the impact cannot be characterized as a cumulative impact of that project.

As demonstrated above, the Project does not result in a significant impact to a tribal cultural resource under either Thresholds TCR-1 or TCR-2. Specifically, there are no resources listed or determined eligible for listing, on the national, state, or local register of historical resources and the Lead Agency determined that resources identified during AB 52 tribal consultation are not eligible for listing under the criteria in subsection (c) of the PRC Section 5024.1. Therefore, the Project itself does not make a contribution to a cumulative impact on tribal cultural resources. Accordingly, the impact to tribal cultural resources cannot be characterized as a cumulative impact of the Project.

³¹ Kirkman-Harriman Pictorial and Historical Map of Los Angeles County, 1860-1937, 1937, <https://www.lapl.org/collections-resources/visual-collections/kirkman-harriman-pictorial-and-historical-map-los-angeles>. Accessed August 2, 2017.

³² Sharp, Jay, Native American Trails: History of Their Trails, undated, <https://www.desertusa.com/desert-trails/native-americans-trails.html>. Accessed August 2, 2017.

Further, in compliance with CEQA review, AB 52 consultation was completed for the Project. Similarly, consultations would be required for the related projects with California Native American Tribes in order to identify potential impacts to tribal cultural resources. There are no other ongoing or foreseeable contiguous excavations adjacent to the Project Site that could, when viewed together with the Project, cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, the Project would not independently contribute to a cumulative impact, and when considered together with the related projects, would not create a cumulative impact. Therefore, impacts are less than cumulatively considerable and there are no cumulatively significant impacts on tribal cultural resources.

4.13.4 Mitigation Measures

The Project would result in less than significant impacts with respect to tribal cultural resources and no mitigation measures would be required.

4.13.5 Level of Significance After Mitigation

Project impacts related to tribal cultural resources would be less than significant.