



# GABRIELINO/TONGVA TRIBAL COUNCIL

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November 23, 2007

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Tribal Chair

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Tribal Vice Chair

Sam Dunlap  
Tribal Secretary

Adam Loya  
Tribal Council Member

Shirley Machado  
Tribal Council Member

Edgar Perez  
Tribal Council Member

Senator Richard G. Polanco (Ret.)  
CEO

Ralph G. Appy, Ph.D.  
Director of Environmental Management  
The Port of Los Angeles  
Post Office Box 151  
San Pedro, CA 90733-0151

Re: Port of Los Angeles Proposed Berths 136-149  
TraPac Container Terminal Expansion Project

Dear Mr. Appy,

This letter is in response to your recent inquiry for Native American consultation relating to the proposed TraPac Container Terminal Expansion project in the County of Los Angeles. The proposed project lies within the Traditional Cultural Properties of the Gabrielino Tongva Nation. We therefore have the responsibility to safeguard the cultural resources of our tribe.

Our concern is that adequate mitigation measures for the protection of archaeological deposits be included in the environmental review documentation for this project. The recommendation of this tribe is that professional archaeological monitoring occur during ground disturbing construction activity and a treatment plan be developed in the event of an archaeological discovery.

**The mitigation measure CR-1 stated in your correspondence that has been included in the EIR is inadequate.**

This tribe also recommends that a Native American monitoring component be implemented for this project in order to assist in the identification of prehistoric cultural deposits and sacred items. Please feel free to contact me directly for further assistance on this matter at (909) 262-9351 cell or email me at

Sincerely,

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Sam Dunlap – Cultural Resource Director

*The Gabrielino-Tongva  
Nation for all Gabrielinos*



## Response to Comments: Gabrielino/Tongva Tribal Council Comments on the Berth 136-147 Final EIR

Comment noted. In response, the Port has amended MM CR-1 (below). Changes are identified as ~~strikeouts~~ for text removed and underline for additions. The Port welcomes future work with the Tribal Council to ensure any potential artifacts or resources are handled in a respectful and proper manner.

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**MM CR-1:** In the unlikely event that any artifact, or an unusual amount of bone, shell or non-native stone is encountered during construction, work shall be immediately stopped and relocated from that area. The contractor shall stop construction within 10 meters (30 feet) of the exposure of these finds until a qualified archaeologist can be retained by the Port to evaluate the find (see 36 CFR 800.11.1 and pertinent CEQA regulations). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with SHPO Guidelines. All construction equipment operators shall attend a pre-construction meeting presented by a professional archaeologist retained by the Port that shall review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.

Prior to beginning construction, the Port shall meet with applicable Native American Groups, including the Gabrielino/Tongva Tribal Council to identify areas of concern. A trained archaeologist shall monitor construction at identified areas. In addition to monitoring, a treatment plan shall be developed in conjunction with the Native American Groups to establish the proper way of extracting and handling all artifacts in the event of an archaeological discovery.

~~If human remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Los Angeles County Coroner shall be contacted to determine the age and cause of death of the deceased. If the remains are not of Native American heritage, construction in the area may recommence. If the remains are of Native American origin, the most likely descendants of the deceased shall be identified by the Native American Heritage Commission (NAHC). The Port and USACE shall consult with the Native American most likely descendant(s) to identify a mutually acceptable strategy for treating and disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the NAHC is unable to identify a most likely descendant, the descendant fails to make a recommendation within 24 hours of being notified by the NAHC, the Port, or the USACE and the descendant are not capable of reaching a mutually acceptable strategy through mediation by the NAHC, the Native American human remains and associated grave goods shall be reburied with appropriate dignity on the proposed Project site in a location not subject to further subsurface disturbance.~~