

1
2

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Section 3.9 Tribal Cultural Resources

SECTION SUMMARY

The analysis of tribal cultural resources evaluates the potential for the Proposed Project and alternatives to cause a substantial adverse change in the significance of sites, features, or objects having cultural value to a California Native American Tribe.

Section 3.9, Tribal Cultural Resources, provides the following:

- A description of the existing setting with regard to potential cultural resources;
- A brief review of the cultural history of the Port area as it relates to California Native American tribes;
- A description of the methodology, including outreach to tribes, used to determine whether the Proposed Project or alternatives result in a significant impact;
- An impact analysis of the Proposed Project and alternatives; and
- A description of any mitigation measures proposed to reduce any potential impacts, as applicable.

Key Points of Section 3.9

The Proposed Project would involve construction on currently vacant land that was created during the past 100 years by dredging and filling and that has been redeveloped more than once during that time. A records survey of prehistoric cultural resources conducted for the Proposed Project concluded that such resources would have little likelihood of occurring on the project site, given the degree of disturbance the site has experienced. The Native American Heritage Committee's (NAHC) Sacred Land Files search did not identify any tribal cultural resources within the Project site. Pursuant to the requirements of Assembly Bill (AB) 52 and Public Resources Code Section 21080.3.1(b), a total of nine tribal entities suggested by the NAHC were notified of the Proposed Project. Although one of those entities, the Gabrieleno/Tongva Indians of California Tribal Council, requested consultation, tribal representatives did not respond to further contact. No response was received from the other tribal entities, and as a result the Los Angeles Harbor Department (LAHD) determined that consultation had been completed.

Accordingly, given the low sensitivity of the Project site for tribal cultural resources and the fact that no such resources were identified by tribal entities, neither the Proposed Project nor the two build alternatives (Reduced Project Alternative [Alternative 2] and Product Import Terminal Alternative [Alternative 3]) would result in a significant impact on tribal cultural resources.

3.9.1 Introduction

This section addresses potential impacts on tribal cultural resources that could result from implementation of the Proposed Project or alternatives. Tribal cultural resources are sites, features, or artifacts with cultural value to a California Native American Tribe as defined in Public Resources Code Section 21074 or other resource of significance to a California Native American Tribe pursuant to the criteria set forth in Public Resources Code Section 5024.1.

3.9.2 Environmental Setting

The Proposed Project is located in the Port of Los Angeles. The Project site, as shown in Figure 2-2 (Chapter 2, Project Description), includes the backlands adjacent to Berths 192-194 and the wharf at Berth 191.

3.9.2.1 Port of Los Angeles

The Port of Los Angeles, located in western San Pedro Bay at the mouth of the Dominguez Channel, includes 28 miles of waterfront and 7,500 acres of land and water area. The LAHD administers the Port. Port facilities include automobile, container, omni, lumber, cruise ship, liquid and dry bulk terminals, and commercial fishing facilities, as well as slips for 6,000 pleasure craft, sport fishing boats, and charter vessels, and a number of community facilities. Major Port activities include commercial shipping, commercial fishing, recreation, and tourism.

The Port of Los Angeles is an intensively-developed, industrial complex developed over the course of more than a century by repeated dredging, filling, and construction of infrastructure. Prior to development of the Port, extensive estuarine deposits were present at the mouth of Bixby Slough, Dominguez Channel, and the Los Angeles River, in the general vicinity of the Project site. In the first half of the 20th Century, the estuarine deposits were mostly dredged into deep channels or covered with artificial fill consisting of dredged sediments and natural alluvial soils to create new land for port facilities. Subsequent development over the past half-century has modernized, repurposed, and reconfigured most of the Port in response to increasing cargo volumes and changes in the goods movement industry. As a result, very little of the original landforms that once supported Native American cultures (see Section 3.9.2.3) remains intact. No Native American cultural resources are known to have been documented or discovered in the Project vicinity.

3.9.2.2 Tribal Cultural Setting

Tribal cultural resources include sites, areas, and materials important to Native Americans for religious, spiritual, or traditional uses. These can encompass the sacred character of physical locations (mountain peaks, springs, and burial sites) or particular native plants, animals, or minerals that are gathered for use in traditional ritual activities. All prehistoric archaeological sites (including villages, burials, rock art, and rock features) along with traditional hunting, gathering, or fishing sites are generally considered by contemporary Native Californians as important elements of their heritage.

The tribal cultural setting described below is summarized from the Cultural and Paleontological Resources Assessment, Berth 191-194, Los Angeles Port Project (Duke CRM 2022) conducted for the Proposed Project (Appendix C) and from previous LAHD

1 environmental documents (e.g., Berths 137-147 Terminal Draft EIS/EIR [LAHD 2007],
2 Port of Los Angeles Master Plan Update Draft Program Environmental Impact Report
3 [LAHD 2013]).

4 **Prehistoric Setting**

5 Evidence of human occupation in Southern California extends to at least 11,000 years in
6 the past. Prehistoric cultural evolution in the region is generally defined in four general
7 periods: the Early Period from approximately 9,000 to 8,500 before present (BP, a time
8 scale widely used in archaeology, geology, and other scientific disciplines to specify
9 when events in the past occurred); the Milling Stone Period from 8,500 to 4,000 BP; the
10 Intermediate Period from 4,000 to 1500 BP; and the Late Prehistoric Period from 1500
11 BP to the Spanish missionization of California in approximately 200 BP (i.e., the
12 founding of Mission San Gabriel in 1771).

13 The Early Period material culture in inland areas is characterized by large, fluted
14 projectile points that imply heavy reliance on large game for subsistence that was most
15 likely supplemented with plants and small game. Along the coast, however, the Early
16 Period subsistence pattern appears to have been heavily marine-influenced, being largely
17 based on shellfish, fish, and marine mammals, with plants and terrestrial fauna as dietary
18 supplements.

19 The Milling Stone Period material culture is characterized by portable milling stones and
20 manos for processing its primary subsistence base of wild seeds, although there is some
21 evidence of marine resources in Milling Stone sites, and coastal groups in Southern
22 California adopted a heavily marine-based (largely shellfish) subsistence.

23 The subsistence base diversified during the Intermediate Period to include a wider variety
24 of plant foods, as evidenced by the appearance of mortars and pestles and bows and
25 arrows, and greater reliance on marine resources within the small-animal protein dietary
26 component.

27 By the Late Prehistoric Period, the southern coast of California was occupied by
28 maritime-adapted people who lived in populous, semi-permanent coastal villages and
29 had a high reliance on animal proteins, both terrestrial and marine. These people used
30 seagoing canoes that enabled them to deep-sea fish, hunt for sea mammals, and travel the
31 coastal and channel island trade networks. Sites in Marina del Rey and Encino are among
32 the Late Prehistoric village sites identified in Los Angeles County.

33 **Historical Setting**

34 Native Americans who inhabited the Port region at the time of Spanish contact were
35 ultimately baptized at Mission San Gabriel Arcángel, and hence are known as the
36 Gabrielinos. These people occupied a vast area extending through the watersheds of Los
37 Angeles, San Gabriel, and Santa Ana rivers; several streams in the Santa Monica and
38 Santa Ana mountains; the entire Los Angeles basin, along the Pacific Coast from Aliso
39 Creek to Topanga Creek; and on San Clemente, San Nicholas, and Santa Catalina islands.
40 The population was distributed over diverse environmental habitats, and strategies for
41 food collection, including hunting, fishing, and plant gathering.

42 Evidence suggests the Gabrielino lived in villages encompassing economically and
43 politically autonomous patrilineal clans who collectively owned specific territories that
44 were actively protected against trespass. Settlement patterns have been depicted as
45 consisting primarily of permanently inhabited village sites organized on the basis of clan
46 groupings, augmented by outlying satellite camps that were occupied on a temporary,
47 perhaps seasonal, basis. These temporary camps were used by small groups and were

1 located in areas of increased localized resource availability. Three permanent villages are
2 thought to have been located in the Port area. Swaanga was a large village located in
3 Carson in the vicinity of Sepulveda Boulevard and Wilmington Avenue approximately
4 two miles north of the Project site; Tevaaxa'anga was located in Long Beach east of the
5 intersection of I-405 and I-710, approximately five miles northeast of the Project; and
6 Ahwaanga was located in Long Beach approximately three miles east-northeast of the
7 Project site.

8 Villages typically were located in protected valley bottoms, coastal coves, or along
9 streams, always close to bodies of water. The primary positions of power for each
10 village—the chief, shaman, or other specialist—was based on heredity. Typically, inland
11 groups established rights to fishing and gathering sites on the coast, in contrast to coastal
12 groups that moved inland for brief periods of time, usually during the fall to collect
13 acorns and other resources. Most traveled within a one-day distance of the largely
14 sedentary villages to gather food. The diverse environment afforded access to varied
15 maritime and inland resources, offering not only food but raw materials necessary for
16 tools, clothing, housing and ceremonial structures, items of personal adornment, and
17 other goods. Predominant food sources for coastal groups included acorns and shellfish,
18 supplemented by grasses, upland game, and fish.

19 With the establishment of the mission system at Mission San Gabriel Arcángel in 1771,
20 the Gabrielino peoples were forcibly baptized and integrated into the economic sphere of
21 the Mission. Villages were abandoned, hunting and gathering activities were disrupted as
22 newly introduced agricultural practices altered the landscape, and large segments of the
23 native population were decimated by European diseases. By the time mission lands were
24 secularized in 1834, there were approximately 1,000 converts (neophytes) living at
25 Mission San Gabriel; however, the ancestral Gabrielino lifestyle had been destroyed.

26 A succession of administrators subsequently liquidated Mission holdings. By the time the
27 United States annexed California in 1848, most of the Native American population had
28 fled. The smallpox epidemic of 1862–1863, other introduced diseases, starvation, and
29 violence devastated the remaining Native Californian population. By 1900, there were
30 only a few scattered Gabrielino survivors (Gabrielino 2022).

31 **3.9.2.3 Project Setting**

32 The Project site was constructed in the early 20th Century as part of the early
33 development of Los Angeles Harbor by filling a portion of Wilmington Lagoon, which
34 was an extensive shallow-water embayment/salt marsh system behind a barrier island
35 (Rattlesnake Island). In 1896, the Project site was open water in the lagoon, but
36 subsequent dredging created the East Basin and its connecting channel and supplied fill
37 material used, along with imported fill, to create the land that now supports the Project
38 site as well as the adjacent uses (Vopak liquid bulk terminal, Fire Station 49, the USC
39 Boathouse, portions of the WWL automobile terminal, etc.). A succession of uses
40 occupied the site, including a yacht club and small port-related industrial uses, but by the
41 1970s, the location was largely vacant except for a small tank farm in the northern
42 portion of the site; that development was subsequently removed, leaving the site in its
43 current, largely vacant state. Recent uses have occupied only small portions of the site.
44 These have included: equipment and materials storage at Berth 194 and its backland by
45 the Port's Construction and Maintenance Division since 1987; work vessel mooring and
46 barge and float repair activities at Berth 193 since 2011; and small vessel mooring and
47 light-duty repair activities at Berth 192 and its backland since 2000.

3.9.3 Applicable Regulations

3.9.3.1 Assembly Bill 52

In 2014, the California Assembly enacted AB 52 establishing a new category of resources under CEQA (i.e., Tribal Cultural Resources), mandating an early consultation process with all California Native American tribes on lists maintained by the Native American Heritage Commission, and specifying appropriate revisions to the CEQA Guidelines. Tribal cultural resources are defined as features, places, cultural landscapes, and sacred places or objects which are of cultural value to a tribe and that are either on or eligible for the California Register of Historic Resources or a local historic register, or that the lead agency, at its discretion, chooses to treat as a tribal cultural resource. The AB 52 process includes specified time limits and obligations for the consultation process.

Other Requirements

In addition to the requirements under AB 52, the disposition and protection of Native American burials is governed by California Health and Safety Code Section 7050.5 and Public Resources Code (PRC) sections 5097.94, 5097.98, 5097.99, and 5097.5, and falls within the jurisdiction of the Native American Heritage Commission. Health and Safety Code Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historical or archaeological interest, which include tribal cultural resources, located on public or private lands, but specifically excludes the landowner. PRC Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological or historical resources located on public lands.

3.9.4 Impacts and Mitigation Measures

3.9.4.1 Methodology

This analysis evaluates the potential for the Proposed Project and alternatives to have substantial adverse effects on tribal cultural resources, including objects, sites, sacred places, and other physical features of cultural significance to California Native American Tribes. The analysis includes consideration of the physical nature of the Proposed Project site, the nature of project construction and operation, and the results of the LAHD's consultation with tribes in accordance with the requirements of AB 52 (see Section 3.9.3).

CEQA Baseline

The CEQA Guidelines (§15125) require EIRs to include a description of the physical environmental conditions in the vicinity of a project that exist at the time of the NOP. The NOP for the Proposed Project was published in late 2021; accordingly, the LAHD has determined that 2021 is the baseline year for the CEQA analysis. The CEQA baseline conditions are described in Section 2.6. In 2021, the Project site was largely vacant and activity consisted of occasional light vehicles and maintenance equipment activity. Small amounts of maintenance materials were stored on the site, so ground loading was minimal.

3.9.4.2 Thresholds of Significance

The following criteria are based on the CEQA Appendix G Thresholds and are the basis for determining the significance of impacts associated with tribal cultural resources resulting from development of the Proposed Project or an alternative.

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)?

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 Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

3.9.4.3 Impact Determination

Proposed Project

Impact TCR-1: Would the Proposed 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)?

As described in Section 3.9.2.3, the Proposed Project is located on artificial fill material that was constructed in the early twentieth century. A records research at the South Central Coastal Information Center (Appendix C) found no prehistoric (i.e., Native American) resources mapped within ½ mile of the project site and concluded that the project site has a low sensitivity for cultural resources. The Proposed Project would involve ground-disturbing activities, but because the site was previously disturbed, consists largely of engineered fill material, and has a low sensitivity for cultural resources, tribal cultural resources are not likely to be present.

The LAHD consulted with California Native American Tribes to determine whether there were known tribal cultural resources on or near the project site and whether tribes had concerns over implementation of the Proposed Project. On February 9, 2022, the LAHD

1 through Duke CRM, requested a search of the Sacred Lands File from the Native
 2 American Heritage Commission (NAHC) for tribal resources within the project site (see
 3 Appendix C). On February 11, 2022, the NAHC responded with a negative result.
 4 LAHD also notified nine Native American groups via a letter dated February 15, 2022 of
 5 the Proposed Project based on a list provided by the NAHC (Table 3.9-1).

6 On February 28, 2022, the Gabrieleno/Tongva Indians of California (Tribe) formally
 7 requested AB 52 consultation. On March 14, 2022 the LAHD initiated consultation via e-
 8 mail, proposing consultation meeting times, and on April 1, 2022, sent a follow-up e-mail
 9 to the Tribe with updated suggested meeting times and the information that if no response
 10 was received by April 15, 2022, the LAHD would assume consultation had concluded.
 11 The Tribe did not respond to these contacts, and pursuant to PRC section
 12 21080.3.2(b)(2), the LAHD, in a letter to the Tribe dated May 12, 2022, concluded
 13 consultation. Accordingly, LAHD has determined that the Project site does not contain
 14 tribal cultural resources as defined in PRC sections 21074 and 5020.1(k); however, if
 15 tribal cultural resources were to be identified during project implementation, the LAHD
 16 would consider the standard mitigation measures in PRC section 21084.3.

17 **Table 3.9-1. Native American Consultation Record**

Name and Group	Notes
Andrew Salas: Gabrieleno Band of Mission Indians – Kizh Nation	Mr. Salas received letter 2/24/22. Duke CRM sent follow-up e-mail on 3/24/22 and spoke with Mr. Salas on the telephone at 4:08 pm on 3/15/22. Mr. Salas asked that the letter be re-sent to him via e-mail, which Duke CRM did at 4:30 pm. No further communication.
Anthony Morales: Gabrieleno/Tongva San Gabriel Band of Mission Indians	Mr. Morales received letter on 2/24/22. Duke CRM sent follow-up e-mail on 3/7/22 and left voicemail at 4:11 pm on 3/15/22. No response was received from Mr. Morales.
Sandonne Goad: Gabrieleno/Tongva Nation	Ms. Goad received letter 2/24/22. Duke CRM sent follow-up e-mail on 3/7 and left voicemail at 4:13 pm on 3/15/22. No response was received from Ms. Goad.
Christina Conley: Gabrieleno/Tongva Indians of California Tribal Council	Ms. Conley received letter 2/28/22. Duke CRM sent follow-up e-mail on 3/7/22. Ms. Conley e-mailed Ms. Nicole Enciso (LAHD) on 2/28/22 stating that the tribe requests consultation. LAHD initiated consultation and because the Tribe did not respond to subsequent contacts and consultation the LAHD concluded the consultation on 5/12/22.
Robert Dorame: Gabrieleno/Tongva Indians of California Tribal Council	Mr. Dorame received letter 2/28/22. Duke CRM sent follow-up e-mail on 3/7/22. Ms. Conley of the same tribal entity (see previous entry) e-mailed Ms. Nicole Enciso (LAHD) on 2/28 stating that the tribe requests consultation. LAHD initiated consultation and because the Tribe did not respond to subsequent contacts and consultation the LAHD concluded the consultation on 5/12/22.
Charles Alvarez: Gabrieleno/Tongva Indians Tribe	Duke CRM sent follow-up e-mail on 3/7/22 and left voicemail at 4:15 pm on 3/15. No response was received from Mr. Alvarez.
Isaiah Vivanco: Soboba Band of Luiseno Indians	Mr. Vivanco received letter 2/28/22. Duke CRM sent follow-up e-mail on 3/7/22 and left voicemail at 4:17 pm on 3/15/22. No response was received from Mr. Vivanco.
Lovina Redner: Santa Rosa Band of Cahuilla Indians	Ms. Redner received letter 2/24. Duke CRM sent follow-up e-mail on 3/7/22. During a follow-up call at 4:20 pm on 3/15/22, Ms. Redner's assistant informed Duke CRM that if Ms. Redner had not responded then the tribe did not want to consult.

18 Note: All contacts were initiated on 2/22/2022 by letter (U.S. certified mail)

Impact Determination

Because the potential to encounter unknown archaeological and ethnographic resources is remote, and contact with Native American tribal entities did not reveal the presence of tribal cultural resources at the project site, impacts would be less than significant.

Moreover, the LAHD, in response to a comment by the Native American Heritage Commission on the Notice of Preparation and to ensure the protection of archaeological and ethnographic resources, would apply Standard Condition (SC) TCR-1, which reflects the standard mitigation measures in PRC section 21084.3, as a condition of construction permit approval.

SC TCR-1: Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered. In the unlikely event that any prehistoric artifact of historic period materials or bone, shell, or non-native stone is encountered during construction, work shall be immediately stopped, the area secured, and work relocated to another area until the found materials can be assessed by a qualified archaeologist. Examples of such cultural materials might include historical trash pits containing bottles and/or ceramics; or structural remains or concentrations of grinding stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; and flakes of stone not consistent with the immediate geology such as obsidian or fused shale. The contractor shall stop construction within 30 feet of the exposure of these finds until a qualified archaeologist can be retained to evaluate the find (see 36 CFR 800.11.1 and 14 CCR 15064.5(f)). If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with Section 106 of the NHPA or State Historic Preservation Officer Guidelines.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

Impact TCR-2: Would the Proposed 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?

As described in Section 2.2.2 and Section 3.9.2.3, the Project site is located on artificial fill material that was constructed in the early twentieth century and has been previously disturbed, and tribal cultural resources are not likely present. Consultation with Native American Tribes (see Impact TCR-1, above) conducted pursuant to the requirements of AB 52 did not identify tribal cultural resources, as defined in Public Resources Code Section 21074. Accordingly, the LAHD has determined, pursuant to subdivision (c) of Public Resources Code Section 5024.1, that no significant tribal cultural resources are present on the site.

1 **Impact Determination**

2 Because there are no identified or suspected tribal cultural resources on the project site,
3 construction of the Proposed Project would be unlikely to encounter such resources.
4 Furthermore, construction of the alternative would employ SC TCR-1. Accordingly,
5 impacts would be less than significant.

6 ***Mitigation Measures***

7 No mitigation is required.

8 ***Residual Impacts***

9 Impacts would be less than significant.

10 **Alternative 1 – No Project**

11 Under the No Project Alternative (Alternative 1), no construction or operational activities
12 would take place. The site would continue to be largely vacant and likely used, as at
13 present, for temporary storage and other small-scale activities.

14 **Impact TCR-1: Would Alternative 1 cause a substantial adverse
15 change in the significance of a tribal cultural resource, defined in
16 Public Resources Code Section 21074 as either a site, feature, place,
17 cultural landscape that is geographically defined in terms of the size
18 and scope of the landscape, sacred place, or object with cultural
19 value to a California Native American Tribe, and that is listed or
20 eligible for listing in the California Register of Historical Resources,
21 or in a local register of historical resources as defined in Public
22 Resources Code Section 5020.1(k)?**

23 The No Project Alternative (Alternative 1) would not include any ground-disturbing
24 activities because no construction would occur.

25 **Impact Determination**

26 Because there would be no construction or other ground-disturbing activities, the No
27 Project Alternative (Alternative 1) would have no impact on tribal cultural resources as
28 defined in Public Resources Code Section 21074.

29 ***Mitigation Measures***

30 No mitigation is required.

31 ***Residual Impacts***

32 No impacts would occur.

33 **Impact TCR-2: Would Alternative 1 cause a substantial adverse
34 change in the significance of a tribal cultural resource, defined in
35 Public Resources Code Section 21074 as either a site, feature, place,
36 cultural landscape that is geographically defined in terms of the size
37 and scope of the landscape, sacred place, or object with cultural
38 value to a California Native American Tribe, and that is a resource
39 determined by the lead agency, in its discretion and supported by**

1 **substantial evidence, to be significant pursuant to criteria set forth in**
2 **subdivision (c) of Public Resources Code Section 5024.1?**

3 The No Project Alternative (Alternative 1) would not include any ground-disturbing
4 activities because no construction would occur.

5 **Impact Determination**

6 Because there would be no construction or other ground-disturbing activities, the No
7 Project Alternative (Alternative 1) would have no impact on tribal cultural resources as
8 defined in Public Resources Code Section 21074.

9 ***Mitigation Measures***

10 No mitigation is required.

11 ***Residual Impacts***

12 No impacts would occur.

13 **Alternative 2 – Reduced Project**

14 This alternative would differ from the Proposed Project only in the total annual
15 throughput of the facility, which would result in reduced activity levels. The
16 configuration of the facility and the construction elements would be essentially the same
17 as the Proposed Project.

18 **Impact TCR-1: Would Alternative 2 cause a substantial adverse**
19 **change in the significance of a tribal cultural resource, defined in**
20 **Public Resources Code Section 21074 as either a site, feature, place,**
21 **cultural landscape that is geographically defined in terms of the size**
22 **and scope of the landscape, sacred place, or object with cultural**
23 **value to a California Native American Tribe, and that is listed or**
24 **eligible for listing in the California Register of Historical Resources,**
25 **or in a local register of historical resources as defined in Public**
26 **Resources Code Section 5020.1(k)?**

27 As described in Section 3.9.2.3, the site of the Reduced Project Alternative (Alternative
28 2) is located on artificial fill material that was constructed in the early twentieth century.
29 The Proposed Project would involve ground-disturbing activities, but because the site
30 was previously disturbed, tribal cultural resources are not likely present. The consultation
31 with Native American tribes was conducted as described above for the Proposed Project.

32 **Impact Determination**

33 Because the potential to encounter unknown archaeological and ethnographic resources is
34 remote, and contact with Native American tribal entities did not reveal the presence of
35 tribal cultural resources at the project site, impacts would be less than significant.
36 Moreover, the LAHD, in response to a comment by the Native American Heritage
37 Commission on the Notice of Preparation and to ensure the protection of archaeological
38 and ethnographic resources, would apply Standard Condition (SC) TCR-1 (see Impact
39 TCR-1 for the Proposed Project) as a condition of construction permit approval.

40 ***Mitigation Measures***

41 No mitigation is required.

Residual Impacts

Impacts would be less than significant.

Impact TCR-2: Would Alternative 2 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?

As described in Section 2.2.2, Section 3.9.2.3, and Appendix C, the site of the Reduced Project Alternative (Alternative 2) is located on artificial fill material that was constructed in the early twentieth century and has been previously disturbed, and tribal cultural resources are not likely present. Consultation with Native American tribes (see Impact TCR-1, above) conducted pursuant to the requirements of AB 52 did not identify tribal cultural resources, as defined in Public Resources Code Section 21074. Accordingly, the LAHD has determined, pursuant to subdivision (c) of Public Resources Code Section 5024.1, that no significant tribal cultural resources are present on the site.

Impact Determination

Because the Reduce Project Alternative (Alternative 2) would have little potential to encounter tribal cultural resources, and construction of the alternative would employ SC TCR-1, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

Alternative 3 – Product Import Terminal

Under the Product Import Terminal Alternative (Alternative 3), the ground granulated blast-furnace slag (GGBFS) product receiving, storage, and loading facilities and all terminal activities except vessel and truck movements would be wholly confined to the Project site, which is an industrial area inside the Port of Los Angeles. This alternative would differ from the Proposed Project in that raw materials (GBFS and gypsum) would not be stored or processed on the site and that, in consequence, the processing mill would not be constructed. Instead, the finished product would be received by vessel and stored in a domed facility located approximately where the GBFS stockpile of the Proposed Project would be located before being loaded onto trucks for distribution in the greater Los Angeles area.

Impact TCR-1: Would Alternative 3 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

1 **eligible for listing in the California Register of Historical Resources,**
2 **or in a local register of historical resources as defined in Public**
3 **Resources Code Section 5020.1(k)?**

4 As described in Section 3.9.2.3, the Project site is located on artificial fill material that
5 was constructed in the early twentieth century. Construction of the Product Import
6 Terminal Alternative (Alternative 3) would involve ground-disturbing activities, but
7 because the site was previously disturbed, tribal cultural resources are not likely present.
8 The consultation with Native American tribes was conducted as described above for the
9 Proposed Project.

10 **Impact Determination**

11 Because the potential for impacts on unknown archaeological and ethnographic resources
12 is remote, and contact with Native American tribal entities did not reveal the presence of
13 tribal cultural resources at the Project site, impacts would be less than significant.
14 Moreover, the LAHD, in response to a comment by the Native American Heritage
15 Commission on the Notice of Preparation and to ensure the protection archaeological and
16 ethnographic resources, would apply Standard Condition (SC) TCR-1 (see Impact TCR-1
17 for the Proposed Project, above) as a condition of construction permit approval.

18 ***Mitigation Measures***

19 No mitigation is required.

20 ***Residual Impacts***

21 Impacts would be less than significant.

22 **Impact TCR-2: Would Alternative 3 cause a substantial adverse**
23 **change in the significance of a tribal cultural resource, defined in**
24 **Public Resources Code Section 21074 as either a site, feature, place,**
25 **cultural landscape that is geographically defined in terms of the size**
26 **and scope of the landscape, sacred place, or object with cultural**
27 **value to a California Native American Tribe, and that is a resource**
28 **determined by the lead agency, in its discretion and supported by**
29 **substantial evidence, to be significant pursuant to criteria set forth in**
30 **subdivision (c) of Public Resources Code Section 5024.1?**

31 As described in Section 2.2.2, Section 3.9.2.3, and Appendix C, the site of the Product
32 Import Terminal Alternative is located on artificial fill material that was constructed in
33 the early twentieth century and has been previously disturbed, and tribal cultural
34 resources are not likely present. Consultation with Native American tribes (see Impact
35 TCR-1, above) conducted pursuant to the requirements of AB 52 did not identify tribal
36 cultural resources, as defined in Public Resources Code Section 21074. Accordingly, the
37 LAHD has determined, pursuant to subdivision (c) of Public Resources Code Section
38 5024.1, that no significant tribal cultural resources are present on the site.

39 **Impact Determination**

40 Because the Product Import Terminal (Alternative 3) would have little potential to
41 encounter tribal cultural resources, and construction of the alternative would employ SC
42 TCR-1, impacts would be less than significant.

43 ***Mitigation Measures***

44 No mitigation is required.

1 ***Residual Impacts***
2 Impacts would be less than significant.

3 **3.9.5 Summary of Impact Determinations**

4 Table 3.9-1 presents a summary of the impact determinations of the Proposed Project and
5 alternatives related Tribal Cultural Resources, as described above. This table is meant to
6 allow easy comparison between the potential impacts of the Project and alternatives with
7 respect to this resource. Identified potential impacts may be based on state or City
8 significance criteria; LAHD criteria; and the scientific judgment of the report preparers.
9 For each impact threshold, the table describes the impact, notes the impact
10 determinations, describes any applicable mitigation measures, and notes the residual
11 impacts (i.e., the impact remaining after mitigation). All impacts, whether significant or
12 not, are included in this table.

Table 3.9-1: Summary Matrix of Potential Impacts and Mitigation Measures for Land Use Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Applied Mitigation/Lease Measures or Controls'	Residual Impacts
Proposed Project	<p>TCR-1: Would the Proposed 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)?</p>	Less than significant	No mitigation is required but SC TCR-1 would be employed	Less than significant
	<p>TCR-2: Would the Proposed 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?</p>	Less than significant	No mitigation is required but SC TCR-1 would be employed	Less than significant
Alternative 1 – No Project	<p>TCR-1: Would Alternative 1 cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a</p>	No impact	Not applicable	No impact

Table 3.9-1: Summary Matrix of Potential Impacts and Mitigation Measures for Land Use Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Applied Mitigation/Lease Measures or Controls'	Residual Impacts
	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)?			
	TCR-2: Would Alternative 1 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?	No impact	Not applicable	No impact
Alternative 2 – Reduced Project	TCR-1: Would Alternative 2 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	Less than significant	No mitigation is required but SC TCR-1 would be employed	Less than significant

Table 3.9-1: Summary Matrix of Potential Impacts and Mitigation Measures for Land Use Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Applied Mitigation/Lease Measures or Controls'	Residual Impacts
	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)?			
	TCR-2: Would Alternative 2 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?	Less than significant	No mitigation is required but SC TCR-1 would be employed	Less than significant
Alternative 3 – Product Import Terminal	TCR-1: Would Alternative 3 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	Less than significant	No mitigation is required but SC TCR-1 would be employed	Less than significant

Table 3.9-1: Summary Matrix of Potential Impacts and Mitigation Measures for Land Use Associated with the Proposed Project and Alternatives

Alternative	Environmental Impacts	Impact Determination	Applied Mitigation/Lease Measures or Controls'	Residual Impacts
	resources as defined in Public Resources Code Section 5020.1(k)?			
	TCR-2: Would Alternative 3 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?	Less than significant	No mitigation is required but SC TCR-1 would be employed	Less than significant

3.9.6 Mitigation Monitoring

In the absence of significant impacts associated with tribal cultural resources, mitigation measures are not required. Instead, this section summarizes implementation of the applicable standard condition.

Standard Condition	SC TCR-1: Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered. In the unlikely event that any prehistoric artifact of historic period materials or bone, shell, or non-native stone is encountered during construction, work shall be immediately stopped, the area secured, and work relocated to another area until the found materials can be assessed by a qualified archaeologist. Examples of such cultural materials might include historical trash pits containing bottles and/or ceramics; or structural remains or concentrations of grinding stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; and flakes of stone not consistent with the immediate geology such as obsidian or fused shale. The contractor shall stop construction within 30 feet of the exposure of these finds until a qualified archaeologist can be retained to evaluate the find (see 36 CFR 800.11.1 and 14 CCR 15064.5(f)). If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with Section 106 of the NHPA or State Historic Preservation Officer Guidelines.
Timing	During construction.
Methodology	LAHD will include this condition in the construction permit issued to the tenant.

3.9.7 Significant Unavoidable Impacts

No significant unavoidable impacts to tribal cultural resources would occur as a result of construction or operation of the Proposed Project or any of the alternatives.

References

Duke CRM. 2022. Cultural and Paleontological Resources Assessment Berth 191-194, Los Angeles Port Project. October

Gabrielino (Gabrielino-Tongva Indian Tribe). 2022. *Gabrielino-Tongva Indian Tribe. History.*

<https://gabrielinotribe.org/history/#:~:text=The%20Tribe%20has%20been%20indigenous,Mission%20and%20San%20Fernando%20Mission.>

LAHD (Los Angeles Harbor Department). 2007. Berths 137-147 Terminal Draft EIS/EIR. <https://www.portoflosangeles.org/environment/environmental-documents>.

_____. 2013. Port of Los Angeles Master Plan Update Draft Program Environmental Impact Report. <https://www.portoflosangeles.org/environment/environmental-documents>.