

Section 3.2

Cultural Resources

Summary of Section

This section addresses whether activities associated with the Proposed Project may impact cultural resources. This section includes the following:

- A description of the existing cultural resource conditions in the Proposed Project area;
- A discussion of the regulations and policies regarding cultural resources that are applicable to the Proposed Project;
- A discussion of the analysis methodology;
- A summary of the 1996 Certified EIR findings;
- Potential impacts to cultural resources associated with Proposed Project activities;
- A description of any applicable mitigation measures or standard conditions of approval proposed, as applicable; and
- Residual impacts after mitigation and significance under CEQA.

Key Points

Cultural Resources were scoped out of the 1996 Certified EIR.

Historic Resources

No new significant impacts or substantially more severe impacts than those previously identified would occur to historic resources during the Phase 1 - Continued Operations period because no structures would be altered, modified or demolished during this phase. Current operations would continue in an existing industrial facility that is already paved and highly disturbed.

Although the Phase 2 – Non-operational Restoration Period would involve the demolition/dismantling of all onsite structures and buildings, no historic resources are known to exist in the Proposed Project area and the area is ineligible as a historic resource under CEQA. Thus, no known historic resources would be disturbed or impacted as a result of the Proposed Project.

Archeological Resources

No new impacts or substantially more severe impacts than previously identified would occur to archeological resources during the Phase 1 - Continued Operations period because no subsurface disturbance would occur.

No new significant impacts or substantially more severe impacts than previously identified would occur to archeological resources during the Phase 2 – Non-operational Restoration period with adherence to applicable regulatory requirements.

Paleontological Resources or Unique Geological Features

No new significant impacts or substantially more severe impacts than those previously analyzed would occur to paleontological resources or unique during the Phase 1 - Continued Operations period because no subsurface disturbance would occur.

No new significant impacts or substantially more severe impacts than those previously analyzed would occur to paleontological resources during the Phase 2 – Non-operational Restoration Period as no prehistoric sites have been identified in the Project site or within a 0.25-mile radius of the site. Furthermore, the geologic formation within the Project site is human-made artificial fill created in the twentieth century, which has extensive previous construction activity that likely destroyed any unique resources and features, and the Project excavation would not occur on any geologic layer that could yield unique resources.

Human Remains

No new impacts or substantially more severe impacts than those previously identified would occur during the Phase 1 - Continuing Operations because no subsurface disturbance would occur.

No new or substantially more severe impacts than those previously identified would occur relating to the inadvertent discovery of human remains during Phase 2 - Non-operational Restoration Period with adherence to applicable regulatory requirements.

Mitigation measures are not required.

Standard conditions of approval have been added to the Proposed Project

The Proposed Project would not result in any new or substantially more severe significant impacts to cultural resources.

3.2.1 INTRODUCTION

This section of the Draft SEIR describes existing cultural resources conditions of the Proposed Project, identifies associated regulatory requirements, evaluates potential impacts on cultural resources that could result from implementation of the Proposed Project, and determines if mitigation measures are required for the implementation of the Proposed Project.

The following analysis is based, in part, on the following sources that address cultural resources:

- Previously certified environmental documents:
 - Hugo Neu-Proler Lease Renewal Project Draft EIR, 1995 (SCH No. 93071074)
 - SA Recycling Crane Replacement and Electrification Project Final Initial Study/Negative Declaration, 2016 (SCH No. 2016021009)
- Other documents reviewed:
 - Built Environment Evaluation Report for Properties on Terminal Island, Port of Los Angeles, California (SWCA 2011)

3.2.2 EXISTING CONDITIONS

Relevant information gleaned from the documents listed above and employed to inform the potential for impacts to cultural resources is summarized below.

Hugo Neu-Proler Lease Renewal Project Draft EIR, 1995 (SCH No. 93071074)

Cultural resources were scoped out of the 1996 Certified EIR; however, Section 3.1, Geology, of the 1995 Draft EIR includes a discussion of the subsurface conditions of the Proposed Project site. The consideration of subsurface conditions within a study area provides insight into the potential to

encounter subsurface intact cultural resources when reviewed against the proposed depths of construction activities for a project.

Section 3.1.1.3, Landfilled Materials of the 1996 Certified EIR stated that Terminal Island was subject to landfilling activities in the early 1900s. The sediment used to create Terminal Island was acquired through dredging the Dominguez Channel, located northeast of the Proposed Project site. Additionally, the Cerritos Channel, located immediately north of the present Proposed Project site, was constructed between Terminal Island and the mainland. The landfill that was placed within the Proposed Project site in the 1940s was documented in a site characterization report prepared in 1989 by EnviroSphere, Inc. According to the 1996 Certified EIR, informed by the EnviroSphere report, the landfill soils are characterized as consisting of gray to brown, fine to medium grained sand and silty sand with varying percentages of the shell fragments and mica between 5 to 10 feet in thickness (EnviroSphere, Inc. 1989). In addition to the 1989 report, the 1996 Certified EIR also includes information from an environmental soils study completed in 1991 by Environmental Audit, Inc. According to the 1991 report, soil sampling was performed employing five trenches within the Proposed Project site varying in depth between 3.7 and 5.8 feet below surface. Soils encountered within each trench included between 4 to 12 inches of dark brown soil overlying up to 46 inches of beach sand. Underlying the beach sand is a “marine layer” defined as dredged soil used to construct the area that includes the Proposed Project site (Environmental Audit, Inc. 1991). The 1991 report further stated that the materials identified as overlying the beach sand/marine layer represent are a result of activities that occurred since the landfill soils were placed in the 1940s.

Based on the information above, the Proposed Project site is underlain with non-native landfill materials that extend from surface to depths between 4 to 10 feet. Current Proposed Project ground disturbing activities during the Phase 2 Nonoperational Restoration period involve the demolition of flat slabs and foundations to an average depth of 16 to 18 inches, and removal of contaminated soils with assumed maximum depths between 2 to 4 feet across the entire Proposed Project site. This suggests that the demolition and soil removal activities would occur within landfill soils (non-native and disturbed soils).

SA Recycling Crane Replacement and Electrification Project Final Initial Study/Negative Declaration, 2016 (SCH No. 2016021009)

Cultural resources were addressed in this previously certified Initial Study/Negative Declaration. The project analyzed within this environmental document involved infrastructure improvements, including the replacement of an existing diesel crane within the SA Recycling facility and Berths 210 and 211; both are within the present Proposed Project site. According to the proposed construction improvements, the project did not involve any demolition of existing structures. However, the proposed improvements necessitated the removal of concrete and trenching down approximately 3 feet from grade, for the installation of conduit and replacement of the removed concrete.

According to the impacts analysis for cultural resources, specifically assessing historical resources, no impacts were identified and no mitigation was required as it was determined that no historic[al] resources were identified within the site. Analysis conducted related to considering adverse impacts to archaeological resources, determined that since the project site was located on an existing industrial site and the limited proposed ground disturbance associated with the trenching activities for the installation of conduit (approximately 3 feet in depth), there was very little potential to encounter archaeological resources during project implementation. The analysis also determined that while the potential for unknown buried resources are unlikely, archaeological resources have been previously encountered within the Port of Los Angeles (Port or POLA). As a result, in lieu of mitigation measures, existing regulatory CEQA Guidelines (CCR Title 14, Section 15064.5) were referenced to ensure potential impacts to archaeological resources would be a less than significant. In addition to this

existing regulation, the Initial Study/Negative Declaration referred to the construction specifications, which require that if potentially significant cultural resources (50 years or older) are encountered during construction, construction in the area of the discovery shall immediately cease until authorized to resume by the engineer based on assessment, evaluation and imposed treatment by a qualified archaeologist in accordance with 36 CFR 800.11.1 and California Code of Regulations Title 14, Section 15064.5 (f).

Built Environment Evaluation Report for Properties on Terminal Island, Port of Los Angeles, California (SWCA 2011)

This report specifically addresses built environment resources on Terminal Island, including built resources within the present Proposed Project site, and provides a historic context. The information contained in the 2011 report is referenced in this section of the Draft SEIR, where appropriate, to inform on the analysis of historical resources. The study found the property present within the Proposed Project site ineligible for inclusion in the California Register of Historical Resources (CRHR or California Register) or the National Register of Historic Places (NRHP) but did not evaluate the property at the local level for eligibility as a City of Los Angeles Historic-Cultural Monument (LAHCM). Archaeological resources were not addressed in the 2011 report.

Summary

The Proposed Project site encompasses approximately 26.7 acres of waterfront and backland property at Berths 210 and 211 on Terminal Island (Proposed Project site). The Proposed Project site currently consists of an Office Building, Warehouse, Maintenance Shop, Motor Room, Shear Room, Shaker/Plate rooms, and two Covered Secondary Containment areas. Since the publication of the Proposed Project's Initial Study/Notice of Preparation (IS/NOP) (Appendix A), the Los Angeles Harbor Department (LAHD) has added restoration of the Proposed Project site through the demolition/dismantling of all on-site structures and buildings, removal of all pavement, excavation of soil from the site and restoration of the site. The Proposed Project would consist of two phases as follows: Phase 1 – Continued Operation, which would not involve the alteration, modification, or demolition of structures as no ground disturbing activities are anticipated. Current operations would continue in an existing industrial facility that is already paved and highly disturbed. Phase 2 – Non-Operational Restoration Period, as it pertains to ground disturbing activities, would involve the dismantling of the facility structures, demolition of flat slab concrete, pavement and foundations, and removal of hazardous (contaminated) soils.

The depth of ground disturbing activities involved with Phase 2 are as follows: an average depth of disturbance of 16 inches for the flat slab demolition work; an average depth of disturbance of 18 inches for the demolition of foundations; and an assumed maximum depth between 2 to 4 feet for the removal of contaminated soils.

The following section describes the existing conditions on the Proposed Project site, including its environmental and cultural setting and the results of the California Historical Resources Information System (CHRIS).

3.2.3 ENVIRONMENTAL SETTING

The Proposed Project site is located on Terminal Island, a primarily human-made area (made from imported/modern soils) initially developed around the early 1900s and incrementally based on the various demands of the Port. The Proposed Project site is within POLA in the City of Los Angeles, which is adjacent to the communities of San Pedro and Wilmington, and approximately 20 miles south of downtown Los Angeles (Figure 2-1, Regional Location). The Proposed Project site is generally bound

on the north by the East Basin Channel and Cerritos Channel, on the east by the Pasha Stevedoring Terminal, on the south by N. Seaside Avenue, and on the west by the Yusen Container Terminal.

3.2.3.1 Prehistoric Setting and Ethnographic Overview

Evidence for continuous human occupation in Southern California spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad period have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions. This research employs a common set of generalized terms used to describe chronological trends in assemblage composition: Paleoindian (pre-5500 BC), Archaic (8000 BC–AD 500), Late Prehistoric (AD 500–1769), and Ethnohistoric (post-AD 1769). A detailed discussion of these time periods and the cultural resources dating from these periods was prepared by Dudek in a Memorandum of the Prehistoric and Ethnographic Setting (Dudek 2023). The Memorandum is on file with the LAHD.

3.2.3.2 Historic Setting

The following historic contexts are entirely based on the SWCA Report (SWCA 2011).

Early Harbor Development, 1771 – 1896

The Port began as a quiet natural harbor ringed with Gabrieleno villages. The establishment of the Mission San Gabriel Arcángel in 1771 brought the first to European development to the area (which was named San Pedro by that point). In the years that followed, members of the Portola Expedition were granted a series of land concessions in southern California, including the Rancho San Pedro, Rancho Los Cerritos, and Rancho Palos Verdes land grants which included the area of the present-day Port.

Within the Rancho San Pedro land grant was a sandy strip known in the mid to late nineteenth century as Rattlesnake Island. The island served as a natural breakwater protecting the mainland shore from errant waves and was a key component of the harbor. Owned by the Dominguez estate, it remained a largely undeveloped piece of land until the early 1890s.

In 1834, the Mexican government amended the Rancho San Pedro land grant to give a portion to the Sepulveda family, who subsequently built a dock and landing at the harbor. By the time California joined the United States in 1848, San Pedro was well established as a port of trade and a transportation hub.

Delaware native Phineas Banning arrived in San Pedro in 1851 and proceeded to spearhead much of the Port's development. After founding the town of New San Pedro (later renamed Wilmington) in 1857, Banning organized the Los Angeles and San Pedro Railroad, the first line to transport goods from the harbor to the city of Los Angeles. In 1871, Banning's political efforts resulted in Congressional approval of funds for major harbor improvements.

In the late 1880s to 1890s, the Los Angeles Terminal Railway purchased Rattlesnake Island from the Dominguez estate and constructed a new line along the Los Angeles River. From this point on, the island was known as Terminal Island (SWCA 2011).

Development and Occupation of the Harbor and Terminal Island, 1897–1918

By the latter part of the nineteenth century, the need for a deep-water port in the Los Angeles region had become increasingly urgent, and the federal government agreed to assist the City with a \$3 million appropriation for its development. In 1897 the Board of Army Engineers finally decided that the harbor would be built at San Pedro.

The rapidly growing oil industry played a major part in Port activity during this period. As early as 1902, the Union Oil Company had a crude oil storage facility on the west bank of Terminal Island. By 1908, additional dredged fill provided Union Oil with enough surrounding land to construct five new storage tanks.

The growth of industrial facilities on Terminal Island was in large part due to the constantly expanding rail networks within the Port. In 1900, the Los Angeles and San Pedro Railroad purchased the Los Angeles Terminal Railway and integrated Terminal Island's rail facilities with the harbor's larger network. Its growth was further strengthened when the Union Pacific Railroad acquired the Los Angeles and Salt Lake Railroad.

Simultaneous with growth at the Port, Long Beach began industrial development of its harbor in 1906. The City of Long Beach annexed the east half of Terminal Island in 1907. In 1910, Southern California Edison constructed the region's first high-pressure steam turbine-operated electric generating station on the east end of Terminal Island.

Industrial development of the harbor proceeded apace in the early 1900s, in anticipation of the 1914 completion of the Panama Canal. The City of Los Angeles extended its boundaries to coastal tidewaters, annexing San Pedro in 1906 and Wilmington in 1909. In 1907, the City officially created the Los Angeles Harbor Commission and the Port of Los Angeles. The Port added a significant amount of dredged fill to the south side of Terminal Island. In 1914, the Port began dredging what would become Fish Harbor, a specialized area for fish processing and canning at Terminal Island. It was operational by 1915. The workforce was ethnically diverse and included Japanese, Italians, Mexicans, and Yugoslavian people. Many workers lived on the island, often in the old Brighton Beach area (generally called Terminal Island). The latter residential area was predominantly occupied by first and second generation (issei and Nisei, respectively) Japanese and Japanese Americans, who formed a distinctive island community.

World War I – World War II, 1919 - 1945

Only a few days before the official opening of the Panama Canal, World War I began in 1914, and the canal remained closed for the duration and several years afterward. The primary focus of the Port quickly changed, and every effort was devoted to winning the war. The U.S. Navy developed a base and training station in San Pedro. In addition, the Ports of both Los Angeles and Long Beach turned to shipbuilding. With the end of World War I, development of the Port increased rapidly. The Board of Harbor Commissioners began a number of improvement projects. Terminal Island nearly doubled in size. Deadman's Island, which had long been a shipping hazard at the mouth of the Main Channel, was dynamited. Its debris was combined with dredged fill to create the rectangular parcel now known as Reservation Point at the southwest corner of Terminal Island. New landfill on the east side of the Los Angeles portion of Terminal Island resulted in additional transportation options for the Port. Allen Field opened on June 20, 1928, as California's first combined land and sea airport, which included an oil-surfaced runway, a pier, and seaplane runway. In 1935, the U.S. Navy signed a 30-year lease with the Port. Another significant improvement that followed the end of World War I and the further development of Terminal Island was the initial planning and construction of a sewage system within the Port. These systems were necessary not only to accommodate a larger workforce, but also to process the waste of the growing fishing industry, which was rapidly polluting the bay. The ongoing

development and industrialization of the Port created the need for other improvements as well. Fire protection services were limited in the first 10 years following the City annexation of the harbor area. Within 3 years, fire protection at the Port had grown to include three fire boats, 10 land-based fire companies, and 205 firemen. The discovery of oilfields around the local basin in 1923 led to oil production becoming one of the largest contributors to Port commerce. Large regional companies like Standard Oil of California and Union Oil Company dominated Port production. On Terminal Island, the General Petroleum Corporation established a new storage facility at Berths 238–239.

Collectively, the improvements of the 1920s enabled Port commerce to expand into new import and export areas and strengthened the already robust businesses of oil, lumber, fish, and citrus. The varied shipping of products gave rise to direct trade with Asian markets and signaled a major shift to truck transportation of goods in addition to rail transportation.

With the crash of the stock market in 1929, commerce at the Port slowed greatly. While, harbor improvements were scaled back during the Great Depression, they continued nonetheless, assisted in part by the federal government's Works Progress Administration. Maintenance increased temporarily in 1933 as workers repaired damage from the Long Beach Earthquake.

On Terminal Island, several projects continued through the Great Depression, including the completion of the Terminal Island Treatment Plant in 1935 and improvements at Reeves Field in 1936.

Containerization and Other Postwar Developments, 1946 - Present

Following the end of World War II, the Port shifted gears once again as the military presence on Terminal Island scaled down. Over time, the small shipyards in the Port ceased operation completely. Commercial operations like metal scrapyards businesses occupied newly cleared areas of Terminal Island.

The Board of Harbor Commissioners launched a broad restoration program that included improving and constructing a number of facilities. One such improvement project was the Cannery Street Project, which in the early 1950s widened Cannery Street and repaved additional streets surrounding Fish Harbor.

Long Beach Harbor made a series of improvements to the east side of Terminal Island during this period. By 1947, Long Beach constructed a large breakwater along their portion of the southern shore of Terminal Island. The breakwater provided Long Beach Harbor with additional protected wharf space.

Oil continued to be a major source of revenue for the Port and a number of projects were undertaken in the following years to increase the harbor's storage capabilities for the product. In 1959, the Board of Harbor Commissioners completed the world's first completely protected supertanker terminal. The Mobil Oil Company constructed the world's largest pipeline across the Main Channel to its new tank farm on Terminal Island along Pilchard Street between 1961 and 1962.

The surge in business during this period led to the 1959 approval of a measure authorizing the Los Angeles Harbor Department to finance harbor improvements with revenue bonds. This led to a large-scale replacement or renovation of older terminals. These improvements were carried out just in time for the advent of containerization, an innovation in which cargo is stored and moved from place to place in large, standardized containers. Containerization resulted in a significant change to the Port's operations. It required changes in port infrastructure: enormous cranes were built to move cargo, and wharves had to be substantially modified, enlarged, and strengthened to support the heavy, stacked cargo containers now being used at the Port.

Some of the Port's most visible resources were constructed during the 1960s, including the Vincent Thomas Bridge, which was built in 1963. In 1965, the Indies Terminal was completed on the Terminal

Island side of the Main Channel. By the late 1960s, the Ports of Los Angeles and Long Beach had converted their shipping infrastructure to adapt to containerization. This conversion resulted in significant and widespread changes to Terminal Island’s built environment.

The 1960s also marked the beginning of the Fish Harbor cannery decline. By 1975, most of the Port’s canneries had been bought out by multinational corporations, and by the mid-1980s many of their operations had moved out of Los Angeles.

While Terminal Island became heavily industrialized following World War II, a number of recreational facilities remained on the island into the following decades. The Los Angeles Yacht Club occupied its clubhouse at Fish Harbor for more than 65 years before moving to San Pedro in 1993.

Port development continued over the years, dominated by dredging the Main Channel to accommodate ever-larger cargo ships, and by constructing new container terminals. Multiple dredging and filling events led to significant physical changes at Terminal Island. The need for a harbor railhead closer to the harbor was met in the mid-1980s by the construction of the Intermodal Container Transfer Facility. The completion of the Terminal Island Container Transfer Facility in 1997 and the Alameda Corridor in 2002 also facilitated rail shipping.

Today, the Port constitutes a massive shipping center with multiple types of industrial and commercial occupants. Largely as a result of the conversion to containerization in the 1960s, much of the harbor’s older historic character has been lost, and pre-1960s resources are increasingly scarce. However, one of this area’s primary character-defining elements is its tendency to change and develop within an industrial context.

3.2.4 REGULATORY SETTING

3.2.4.1 *Federal Regulations*

The NRHP is the United States’ official list of districts, sites, buildings, structures, and objects worthy of preservation. Overseen by the National Park Service, under the U.S. Department of the Interior, the NRHP was authorized under the National Historic Preservation Act, as amended. Its listings encompass all National Historic Landmarks, as well as historic areas administered by the National Park Service.

NRHP guidelines for the evaluation of historic significance were developed to be flexible and to recognize the accomplishments of all who have made significant contributions to the nation’s history and heritage. Its criteria are designed to guide state and local governments, federal agencies, and others in evaluating potential entries in the NRHP.¹ For a property to be listed in or determined eligible for listing, it must be demonstrated to possess integrity and to meet at least one of the following criteria:

¹ The NRHP concepts of significance and integrity provide the foundation for evaluating resources for potential listing in the CRHR, as well as local registers of historic resources. While there are differences between the federal, state, and various local registers, there are sufficient similarities that make the preparation of evaluations under all three criteria (if all three criteria are applicable) a more efficient approach to managing resources and for planning purposes. Like many state and local agency projects, the current Proposed Project does not have a federal nexus and, therefore, there is no statutory or regulatory requirement for resource evaluations under NRHP criteria. However, by preparing a NRHP evaluation, the agency has an important planning tool warranting consideration in subsequent or future projects in the same area that have a federal nexus and will require the evaluation of the resource in accordance with the NRHP criteria outlined in 36 CFR § 60.4.

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects with integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. That are associated with the lives of persons significant in our past; or
- c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That have yielded, or may be likely to yield, information important in prehistory or history.

In addition to significance, a resource must also possess integrity. Integrity is defined in NRHP Bulletin 15, “How to Apply the National Register Criteria for Evaluation,” as “the ability of a property to convey its significance (NPS 1997, p. 44). The integrity evaluation is grounded in understanding a property’s physical features and how they relate to the property’s significance. Historic properties either retain integrity (that is, convey their significance), or they do not. To maintain integrity, a property will always possess several, and usually most, of the seven aspects of integrity (NPS 1997, pp 44-45):

- a. **Location** is where the historic property was constructed or where the historic event occurred.
- b. **Design** is the combination of elements that create the form, plan, space, structure, and style.
- c. **Setting** is the physical environment of a historic property.
- d. **Materials** are the physical elements combined or deposited during a particular period and in a specific pattern or configuration to form a historic property.
- e. **Workmanship** is the physical evidence of crafts of a particular culture or people during any period in history or prehistory.
- f. **Feeling** is the property’s expression of a particular period’s aesthetic or historic sense.
- g. **Association** is the direct link between an important historic event or person and a historic property.

3.2.4.2 State Regulations

California Environmental Quality Act (CEQA)

CEQA is the principal statute governing environmental review of projects occurring in the state and is codified in Public Resources Code (PRC) Section 21000 et seq. CEQA requires lead agencies to determine if a Proposed Project would have a significant effect on the environment, including significant effects on historical or unique archaeological resources. Under CEQA Section 21084.1, a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.

CEQA Guidelines Section 15064.5 recognizes that historical resources include: (1) resources listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR; (2) resources included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); and (3) any objects, buildings, structures, sites, areas, places, records, or manuscripts which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead agency, provided the lead agency’s determination is supported by substantial evidence in light of the whole record.

If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 apply. If an archaeological site does not meet the criteria for a historical resource contained in the CEQA Guidelines, then the site may be treated in accordance with the provisions of PRC Section 21083, if it meets the criteria of a unique archaeological resource. As defined in PRC Section 21083.2, a unique archaeological resource is an archaeological artifact, object, or site, about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological site meets the criteria for a unique archaeological resource as defined in PRC Section 21083.2, then the site is to be treated in accordance with the provisions of PRC Section 21083.2, which state that if the lead agency determines that a project would have a significant effect on unique archaeological resources, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place (California Public Resources Code Section 21083.2). If preservation in place is not feasible, mitigation measures shall be required. The CEQA Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment (California Public Resources Code Section 21083.2[a]; CEQA Guidelines Section 15064.5[c][4]).

A significant effect under CEQA would occur if a project results in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5(a). Substantial adverse change is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired” (CEQA Guidelines Section 15064.5[b][1]; California Public Resource Code Section 5020.1[q]). According to CEQA Guidelines Section 15064.5(b)(2), the significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics that:

1. Convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Account for its inclusion in a local register of historical resources pursuant to PRC Section 5020.1(k) or its identification in a historical resources survey meeting the requirements of PRC Section 5024.1(g) Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a Lead Agency for purposes of CEQA.

In general, a project that complies with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings is considered to have impacts that are less than significant (CEQA Guidelines Section 15064.5[b][3]).

California Register of Historical Resources

The CRHR (California Register) is “an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (California PRC Section 5024.1[a]). The California Register was enacted in 1992, and its regulations became official on January 1, 1998. The California Register is administered by the California Office of Historic Preservation. The criteria for eligibility for the California Register are based upon National Register criteria (California Public Resources Code Section 5024.1[b]). Certain resources are determined to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register. To be eligible for the California Register, a prehistoric or historic-period property must be significant at the local, State, and/or federal level under one or more of the following four criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must meet one of the criteria of significance described above, and retain enough of its historic character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the National Register, but it may still be eligible for listing in the California Register.

Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register and those formally determined eligible for the National Register;
- California Registered Historical Landmarks from No. 770 onward; and,
- Those California Points of Historical Interest that have been evaluated by the State Office of Historic Preservation and have been recommended to the State Historical Resources Commission for inclusion on the California Register.

Other resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5 (those properties identified as eligible for listing in the National Register, the California Register, and/or a local jurisdiction register);
- Individual historical resources;
- Historic districts; and,
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

California Health and Safety Code Section 7050.5

California Health and Safety Code Sections 7050.5, 7051, and 7054 address the illegality of interference with human burial remains (except as allowed under applicable PRC Sections), and the disposition of Native American burials in archaeological sites. These regulations protect such remains from disturbance, vandalism, or inadvertent destruction, and establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including treatment of the remains prior to, during, and after evaluation, and reburial procedures.

California Public Resources Code (PRC)

California PRC Section 5097.98, as amended by Assembly Bill 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (NAHC), upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the landowner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject.

Assembly Bill 52

California Assembly Bill (AB) 52, which took effect July 1, 2015, establishes a consultation process between California Native American Tribes and lead agencies to address tribal concerns regarding project impacts to “tribal cultural resources” (TCRs) and mitigation for such impacts. Public Resources Code PRC Section 21074(a) defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. A TCR is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is either:

- Listed or eligible for listing in the CRHR or a local register of historical resources, or
- Determined by a lead agency to be a TCR.

LAHD sent certified AB 52 letters on November 25, 2019, to the Gabrieleno Band of Mission Indians-Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrieleno/Tongva Nation, Gabrieleno Tongva Indians of California Tribal Council, Gabrieleno-Tongva Tribe, and Gabrieleno-Tongva Tribe. No responses were received within the 30-day consultation request period. To date, no TCRs have been identified in the Proposed Project area by the NAHC or local tribes.

3.2.4.3 Local Regulations

Los Angeles Historic Cultural Monuments

The City of Los Angeles has a historic preservation ordinance in place (Los Angeles Municipal Code, Section 22.17.7) for the designation of historical resources, called Historic Cultural Monuments (HCMs). An HCM is any site (including significant trees or other plant life located on the site), building

or structure of particular historic or cultural significance to the City of Los Angeles. A proposed HCM may be designated by the City Council upon the recommendation of the Commission if it meets at least one of the following criteria:

1. Is identified with important events of national, state, or local history, or exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community;
2. Is associated with the lives of historic personages important to national, state, city, or local history; or
3. Embodies the distinctive characteristics of a style, type, period, or method of construction; or represents a notable work of a master designer, builder, or architect whose individual genius influenced his or her age.

Los Angeles Historic Preservation Overlay Zones

As described by the City of Los Angeles Office of Historic Resources, the Historic Preservation Overlay Zone (HPOZ) Ordinance was adopted in 1979 and amended in 2004:

to identify and protect neighborhoods with distinct architectural and cultural resources, the City...developed an expansive program of Historic Preservation Overlay Zones . . . HPOZs, commonly known as historic districts, provide for review of proposed exterior alterations and additions to historic properties within designated districts.

Regarding HPOZ eligibility, City of Los Angeles Ordinance Number 175891 (Los Angeles Municipal Code, Section 12.20.3) states the following:

Features designated as contributing shall meet one or more of the following criteria:

1. adds to the Historic architectural qualities or Historic associations for which a property is significant because it was present during the period of significance, and possesses Historic integrity reflecting its character at that time; or
2. owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or
3. retaining the building, structure, Landscaping, or Natural Feature, would contribute to the preservation and protection of an Historic place or area of Historic interest in the City. (Los Angeles Municipal Code, Section 12.20.3)

Port Master Plan

Development Goals

Goal 5: Protect Historic Resources.

The Port shall identify and pursue the preservation of the historic resources within its jurisdiction. The history of the Port, including significant periods such as the era of shipbuilding, commercial fishing, and the Japanese American Fishing Village, should continue to be memorialized, as appropriate, through monuments and preservation of associated existing buildings and sites. Nothing stated herein shall be interpreted to impede the Port's ability to meet its mandates identified in the Coastal Act to operate as a commercial port and accommodate transportation, commercial, industrial and cargo handling activities. The Built Environment Historic, Architectural, and Cultural Resource Policy, adopted by the Board of Harbor Commissioners (POLA 2013), established the formal procedures to potentially adaptively reuse and preserve built historic, architectural and cultural resources.

The goal to adaptively reuse historic resources shall be included among other goals when considering a proposed use for the site. Further, the Port shall encourage the productive reuse of historic resources in the future by periodically reviewing, as needed, with stakeholder input, whether additional port related land uses in certain areas with identified historic resources would enhance the opportunity to the reuse vacant or underutilized historic resources.

3.2.5 METHODOLOGY

3.2.5.1 Background Research

CHRIS Records Search

On December 6, 2023, an in-person records search of the CHRIS database on file at the South Central Coast Information Center (SCCIC), located on the campus of California State University, Fullerton was conducted. The search included any previously recorded cultural resources and investigations within a 0.25-mile radius of the Proposed Project site. The CHRIS search also included a review of the NRHP, the CRHR, the California Points of Historical Interest list, the California Historical Landmarks list, and the California State Historic Resources Inventory list².

Previously Conducted Cultural Resource Studies

Results of the CHRIS database records search indicate that nine previous cultural resource studies have been conducted within the 0.25-mile records search area between 1974 and 2014. Of these studies, two reports (LA-02399 and LA-12808) are mapped as overlapping the Proposed Project site and one report (LA-04455) is mapped as adjacent to the north. The entirety (100%) of the Proposed Project site has been previously subjected to multiple cultural resource studies. A bibliography of all previous cultural resource studies within the Proposed Project's records search area is provided in Appendix C of this Draft SEIR. Brief summaries of the overlapping and adjacent reports are provided below.

Report LA-02399

Los Angeles-Long Beach Harbor Areas, Cultural Resources Survey (Weinman and Stickel 1978) presents the results of a cultural resource inventory of the Los Angeles-Long Beach Harbor Areas conducted in 1978, prepared for the United States Army Engineer District for the entirety of the present Proposed Project site and surrounding area. The report provides a regional cultural history, oral interviews, literature search and records search, site visits/survey, and discusses several historical and prehistoric resources. The purpose of the inventory was to locate and identify cultural resources within the Los Angeles-Long Beach Harbor Areas that might be affected by a project and provide a reliable statement on the significance of each site identified and recommendations for inclusion as historical monuments. A total of 18 prehistoric archaeological sites and 21 shipwrecks were identified as a result of the research conducted, and 30 historical resources were identified and addressed as part of the cultural resources survey. None of these resources were identified within the current Proposed Project site.

Report LA-04455

A Cultural Resource Study for the Los Angeles Harbor Deepening Project (Pierson 1980) presents the results of a cultural resource study, conducted in 1980, encompassing the navigable waters of the Los Angeles Harbor and prepared for the United States Army Los Angeles District Corps of Engineers.

² The confidential records search results which contains sensitive information related to the location of cultural sites is on file with the LAHD and is available for review by eligible individuals

The study area is adjacent to the north of the present Proposed Project site. The report reviewed existing files addressing the study area, including remote sensing data, historical and archaeological records, and published data for cultural resources identified within the study area. The purpose of the study was to identify and evaluate the significance of identified resources, evaluate the quality of the available data, and report on the findings followed by recommendations. A total of 22 previously recorded cultural resources were identified within the study area consisting of shipwrecks, sunken barges and vessels/structural elements, remnants of the early fishing industry, and piling stumps associated with an old pier; none of these resources were identified within the present Proposed Project site. The report provides two recommended approaches to complete the survey addressed in the report and all involve underwater testing methods and review of the results by a qualified marine archaeologist to inform on the mitigation plan developed for resources identified as significant.

Report LA-12808

Cultural Resources Study of the Wilmington Oil and Gas Field, Los Angeles County, California (Chasteen et al. 2014) presents the results of a cultural resource study/assessment encompassing the navigable waters of the Los Angeles Harbor, prepared in support of an EIR, that was completed in 2014 and includes the entirety of the present Proposed Project site. The cultural resource assessment relied on a CHRIS records search and literature review, a cultural sensitivity study, and project-specific management recommendations. The purpose of the study was to characterize known archaeological and built environment resources and determine the potential to encounter unknown resources during project implementation. It is important to note that a survey was not conducted as part of the assessment. The study determined that there are large areas within the study area that have a moderate to high probability of containing significant cultural resources. The CHRIS records search conducted in support of the 2014 study identified 327 previously recorded cultural resources, of which 270 were identified within the study area. Of the resources listed in the report, none are within the present Proposed Project site; however, three previously recorded resources (P-19-150271, P-19-150280, and P-19-167314) were identified within the present Project's records search area and are addressed in the following section for previously recorded cultural resources. Nevertheless, the area that includes the present Proposed Project site is noted to be an area of moderate sensitivity for archaeological resources. The report notes that while Terminal Island consists primarily of a human-made landmass, there is potential for historic period archaeological resources dating to the development of the Port of Los Angeles to exist, underlying fill soils.

The lengthy and detailed project-specific recommendations provided within the report include: retention of a qualified cultural resource specialist or other staff under the direction of the qualified specialist, to conduct a cultural resources inventory, evaluate resources and produce a Cultural Resources Management and Treatment Plan prior to an issuance of a permit; the cultural resources inventory and evaluation of cultural resources are to be submitted to relevant CEQA agencies for review and approval prior to the issuance of the required permits; development of a historic context; develop a cultural resources sensitivity predictability model for potentially significant archaeological and built environment resources that may be encountered within the study area; conduct a reconnaissance survey for built environment resources and an intensive-level archaeological pedestrian survey; conduct an underwater survey; field documentation of all cultural resources encountered and an evaluation of these resources; Native American coordination consisting of a Sacred Lands File search through the NAHC database and consultation with NAHC-listed individuals/tribal entities; a worker environmental awareness program training for all project personnel; cultural resources monitoring (both archaeological and Native American monitoring) for resources that may be potentially adversely impacted; reporting; curation of archaeological materials retained as a result of the project; and existing regulatory language for the inadvertent discovery of human remains. No cultural resources were identified within the present Proposed Project site as a result of this 2014 study.

Previously Recorded Cultural Resources

The SCCIC records indicate that four cultural resources have been previously recorded within a 0.25-mile radius of the Proposed Project site. The identified cultural resources include, two built environment resources, one structure, and one district. None of these resources were identified within the Proposed Project site. No historic period or prehistoric resources of Native American origin were identified within the Proposed Project or the 0.25-mile records search area. A bibliography of all previously recorded cultural resources within the Project’s records search area is provided in Appendix C of this Draft SEIR.

Historical Built Environment Resources

A Department of Parks and Recreation (DPR) 523 form (DPR 523) was prepared for the Project site in 2011, which found the property ineligible for inclusion on the CRHR or the NRHP. However, the Project site was not evaluated at the local level for eligibility as a Los Angeles HCM. A DPR 523 update was completed to evaluate the Project site under LAHCM criteria. This evaluation found the subject property ineligible as a historical resource due to a lack of significant associations and architectural merit. This eligibility finding was based on the previously conducted research from 2011, aerial photographs, and an intensive survey to document any changes to the site since it was previously recorded. Both DPR forms are included in Appendix D.

3.2.5.2 Thresholds of Significance

The criteria for determining the significance for cultural resources impacts during both phases (Phase 1 - Continued Operations and Phase 2 - Nonoperational Restoration Period) under CEQA is discussed below.

CEQA Guidelines Appendix G

The significance criteria used to evaluate the Proposed Project impacts to cultural resources is based on CEQA Guidelines Appendix G. According to CEQA Guidelines Appendix G, a significant impact related to cultural resources would occur if the Proposed Project would:

CR-1: Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

CR-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

2006 L.A. CEQA Thresholds Guide

The L.A. CEQA Thresholds Guide states that the determination of significance shall be made on a case-by-case basis, considering the following factors to evaluate cultural resources:

Historic Resources

If the project would result in a substantial adverse change in the significance of a historic resource, including demolition of a significant resource; relocation that does not maintain the integrity and significance of a significant resource, conversion, rehabilitation, or alteration of a significant resource which does not conform to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and/or construction that reduces the integrity or significance of important resources on the site or in the vicinity.

Archaeological Resources

If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it is associated with an event or person of recognized importance in California or American prehistory or of recognized scientific importance in prehistory;

If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;

If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it has a special or particular quality, such as the oldest, best, largest, or last surviving example of its kind; and

If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it is at least 100 years old³ and possesses substantial stratigraphic integrity.

The factors identified above from the L.A. CEQA Thresholds Guide will be used where applicable and relevant to assist in analyzing the Appendix G threshold questions.

Paleontological Resources

According to CEQA Guidelines Appendix G, a significant impact related to paleontological resources would occur if the Proposed Project would:

CR-3: Directly or indirectly destroy a unique paleontological resource or unique geological features.

The Los Angeles CEQA Thresholds Guide provides that an impact on paleontological resources would be considered significant if it would result in the permanent loss of, or loss of access to, a paleontological resources.

Human Remains

According to CEQA Guidelines Appendix G, a significant impact related to cultural resources would occur if the Proposed Project would:

CR-4: Would the project disturb any human remains, including those interred outside of human cemeteries?

³ Although the CEQA criteria state that "important archaeological resources" are those which are at least 100 years old, the California Register provides that any site found eligible for nomination to the National Register will automatically be included within the California Register and subject to all protections thereof. The National Register requires that a site or structure be at least 50 years old.

3.2.6 IMPACT DETERMINATION

3.2.6.1 *Impact CR-1: Would the Proposed Project cause a substantial change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.5?*

No historical resources are known to exist in the Proposed Project area. The subject property is a scrap metal recycling facility first developed in 1963 with subsequent upgrades and additions in 1966, 1968, the 1990s, 2004, 2006, and 2009. Appendix D, to this Draft SEIR includes a DPR 523 form prepared in 2011 that finds the subject property ineligible for listing in the NRHP and CRHR and a DPR 523 update form that finds the subject property ineligible as at the local level as an HCM. The DPR 523 form includes building development and archival research; development of an appropriate historic context for the evaluation of the subject property; and the recordation and evaluation of the subject property for historical significance in consideration of the NRHP and CRHR. The DPR 523 update form includes the results of an intensive survey of the Project site by a qualified architectural historian and an evaluation of the subject property's historical significance and integrity in consideration of HCM designation criteria and integrity requirements. These evaluations found the subject property ineligible as a historical resource at the federal, state, and local levels. As such, the subject property is ineligible as a historical resource under CEQA.

Impacts of the Proposed Project

Phase 1 - Continued Operations

No new significant impacts or substantially more severe impacts than previously analyzed would occur to historic resources during the Phase 1 Continued Operations period because no structures would be altered, modified or demolished during this phase. Current operations would continue in an existing industrial facility that is already paved and highly disturbed.

Phase 2 - Nonoperational Restoration

Although the Phase 2 - Nonoperational Restoration Period would involve the demolition/dismantling of all onsite structures and buildings, as stated previously in this discussion, no historic resources are known to exist in the Proposed Project area and the subject property is ineligible as a historic resource under CEQA. Thus, no known historic resources would be disturbed or compromised as a result of the Proposed Project. No new significant impacts or substantially more severe impacts than previously analyzed would occur to historic resources during the Phase 2 – Non-operational Restoration Period.

Mitigation Measures Applicable to the Proposed Project

No mitigation is required.

Significance After Mitigation

No new significant impacts or substantial increase in the severity of impacts previously identified would occur with the implementation of the Proposed Project.

3.2.6.2 Impact CR-2: Would the Proposed Project cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5?

A CHRIS database records search and a review of previously certified environmental documents were conducted for the Proposed Project site. The CHRIS database search identified three built environment resources within the Proposed Project site's records search area. However, no historic period or prehistoric archaeological resources were identified within the Proposed Project site or 0.25-mile records search buffer. Additionally, while the CHRIS records indicate that the entirety of the Proposed Project site was subjected to previous investigations, including pedestrian surveys, these previous studies did not identify archaeological resources within the Proposed Project site. It is important to note that these previous surveys were performed after development and the placement of fills soils and therefore, did not provide for any observation of native/undisturbed ground soils.

A review of previous environmental documents that address the present Proposed Project site (Hugo Neu-Proler Lease Renewal Project Draft EIR, 1995 [SCH No. 93071074]) indicate that the Proposed Project site is underlain with non-native landfill materials that extend from surface to depths between 4 to 10 feet. Current Proposed Project ground disturbing activities during the Phase 2 Nonoperational Restoration period involve the demolition of flat slabs and foundations with an average depth of 16 to 18 inches, and removal of contaminated soils with assumed maximum depths between 2 to 4 feet across the entire Proposed Project site. This suggests that the demolition and soil removal activities would occur within landfill soils (non-native and disturbed soils).

During Phase 1 Continued Operations of the Proposed Project, no subsurface disturbance activity is proposed; therefore, no impact on archaeological resources are anticipated during the continued operations phase.

Impacts of the Proposed Project

Phase 1 - Continued Operations

No new impacts or substantially more severe impacts than previously identified would occur during the Phase 1 - Continued Operations because no subsurface disturbance would occur.

Phase 2 - Nonoperational Restoration

For the reasons discussed above, no new significant impacts or substantially more severe impacts than previously identified would occur during the Phase 2 - Nonoperational Restoration period of the Proposed Project with adherence to applicable regulatory requirements.

Mitigation Measures Applicable to the Proposed Project

No mitigation is required. Adherence to existing regulatory requirements as outlined above and the construction specifications for the inadvertent discovery of archaeological resources would ensure that no new or substantially more severe impacts than previously analyzed would occur to archaeological resources resulting from Phase 2: Nonoperational Restoration of the Proposed Project.

In the absence of new or substantially more severe significant impacts from implementation of the Proposed Project, mitigation is not required. However, the following standard condition of approval has been added to the Proposed Project.

SC CR-1 Stop Work in the Area if Archaeological Resources Are Encountered. In the unlikely event that any prehistoric artifact of historic period materials or bone, shell or nonnative stone is encountered during restoration activities, 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; 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 location of these finds until a qualified archaeologist can be retained to evaluate the find. If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with State Historic Preservation Officer Guidelines.

Significance After Mitigation

No new or significant Impacts or substantial increase in impact previously identified would occur with the implementation of the Proposed Project. No mitigation is required.

3.2.6.3 Impact CR-3: Would the Project directly or indirectly destroy a unique paleontological resource or unique geological features.

No prehistoric sites have been identified in the Proposed Project site or within a 0.25-mile radius of the site. Furthermore, the geologic formation within the Project site is human-made artificial fill created in the twentieth century. The location is on Terminal Island which has been subject to extensive previous construction activity. This activity has likely destroyed any unique paleontological resources and any unique geologic features. The Project excavation would not occur on any geologic layer that could yield unique paleontological resources. Therefore, there would be no impact to unique paleontological resources or unique geologic features.

Phase 1 - Continued Operations

No new significant impacts or substantially more severe impacts than those previously analyzed would occur during the Phase 1 Continued Operations as no subsurface disturbance would occur.

Phase 2 - Nonoperational Restoration

For the reasons discussed above, the Proposed Project's Phase 2 would have no new or more substantially severe impacts than those previously analyzed.

Mitigation Measures Applicable to the Proposed Project

No mitigation is required.

Significance After Mitigation

No new significant impacts or substantially more severe impacts than those previously analyzed would occur during the implementation of the Proposed Project. No new mitigation is required.

3.2.6.4 Impact CR-4: Would the Proposed Project disturb any human remains, including those interred outside of formal cemeteries?

No prehistoric or historic period burials, within or outside of formal cemeteries, were identified within the Proposed Project site as a result of the CHRIS records search. In the event that human remains are inadvertently encountered during ground disturbing activities, they would be treated consistent with state and local regulations including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or off-site improvement areas or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to notify the NAHC that shall notify those persons believed to be the most likely descendant. The most likely descendant shall determine, in consultation with the property owner, the disposition of the human remains. Compliance with these regulations would ensure that impacts to human remains resulting from the Project would be less than significant.

Impacts of the Proposed Project without Mitigation

Phase 1 - Continued Operations

No new impacts or substantially more severe impacts than those previously identified would occur during Phase 1 - Continued Operations because no subsurface disturbance would occur.

Phase 2 - Nonoperational Restoration

For the reasons discussed above, no new or substantially more severe impacts than those previously identified would occur relating to the inadvertent discovery of human remains during the Proposed Project's Phase 2 - Non-operational Restoration period with adherence to applicable regulatory requirements.

Mitigation Measures Applicable to the Proposed Project

No mitigation is required. Adherence to existing regulatory requirements as outlined above would ensure that no new significant impacts or substantially more severe impacts than previously analyzed would occur to human remains resulting from Phase 2: Nonoperational Restoration of the Proposed Project.

In the absence of new or substantially more severe significant impacts from implementation of the Proposed Project, mitigation is not required. However, the following standard condition of approval has been added to the Proposed Project.

SC CR-2: Stop Work in the Area if Human Remains are Encountered. In the unlikely event that any human remains are encountered during restoration activities, excavation shall be immediately stopped, the area shall be secured, and no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further excavation activity until consultation with the MLD regarding their recommendations as required by California

Public Resources Code Section 5097.98 has been conducted. In addition, California Public Resources Code Section 5097.98, CEQA Guidelines Section 15064.5 and California Health and Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.

Significance After Mitigation

No new impacts or substantially more severe impacts than those previously identified would occur with the implementation of the Proposed Project. No mitigation is required.

3.2.6.5 Summary of Impact Determinations

Table 3.2-1 provides a summary of the impact determinations of the Proposed Project related to cultural resources. This table is meant to allow easy comparison of the potential impacts of the Proposed Project.

For each type of potential impact, the table describes the impact, notes the impact determinations, describes any applicable mitigation measures, and notes the impact remaining after mitigation. All impacts, whether significant or not, are included in this table.

Table 3.2-1. Summary Matrix of Potential Impacts and Mitigation Measures/Standard Conditions for Cultural Resources Associated with the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts After Mitigation
Impact CR-1: Would the Proposed Project have a significant impact on built environment historic resources?	No new or substantially more severe significant impacts would occur	No mitigation is required	No new or substantially more severe significant impacts would occur
Impact CR-2: Would the Proposed Project cause a substantial adverse change in the significance of an archeological or ethnographic resources?	No new or substantially more severe significant impacts would occur	No mitigation is required; however SC CR-1: Stop Work in the Area if Archeological Resources are Encountered would be implemented	No new or substantially more severe significant impacts would occur
Impact CR-3: Would the Project directly or indirectly destroy a unique paleontological resource or unique geological features?	No new or substantially more severe significant impacts would occur	No mitigation is required	No new significant impacts or substantially more severe significant impacts would occur
Impact CR-4: Would the Proposed Project disturb any human remains, including those interred outside of formal cemeteries?	No new or substantially more severe significant impacts would occur	No mitigation is required; however, SC CR-2: Stop Work in the Area if Human Remains are Encountered would be implemented	No new or substantially more severe significant impacts would occur

3.2.6.6 Mitigation and Standard Conditions of Approval Monitoring

In the absence of new or more substantially more severe significant impacts from implementation of the Proposed Project, mitigation measures are not required. However, the following standard conditions of approval (discussed under Impacts CR-2 and CR-4 in Sections 3.2.6.2 and 3.2.6.4 above) have been added to the Proposed Project.

SC CR-1: Stop Work in the Area if Archaeological Resources Are Encountered. In the unlikely event that any prehistoric artifact of historic-period materials or bone, shell or nonnative stone is encountered during decommissioning, 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; 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 location of these finds until a qualified archaeologist can be retained to evaluate the find. If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with the California Office of Historic Preservation guidelines.

SC CR-2: Stop Work in the Area if Human Remains are Encountered. In the unlikely event that any human remains are encountered during restoration activities, excavation shall be immediately stopped, the area shall be secured, and no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further excavation activity until consultation with the MLD regarding their recommendations as required by California Public Resources Code Section 5097.98 has been conducted. In addition, California Public Resources Code Section 5097.98, CEQA Guidelines Section 15064.5 and California Health and Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.

3.2.7 SIGNIFICANT UNAVOIDABLE IMPACTS

No new significant and unavoidable impacts or a substantial increase in the severity of impacts identified relating to historical, archaeological, or paleontological resources or human remains would occur as a result of the Proposed Project.

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