

3.10 Tribal Cultural Resources

3.10.1 Section Summary

This section analyzes whether the West Harbor Modification Project (Proposed Project) would affect tribal cultural resources within the 208 E. 22nd Street Parking Lot. Although tribal cultural resources were not analyzed in the *2009 San Pedro Waterfront (SPW) Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)* (2009 SPW EIS/EIR) (Port 2009), the Proposed Project would not increase the impacts to cultural resources from those analyzed in the 2009 SPW EIS/EIR or the *2016 Addendum to the San Pedro Waterfront Project Environmental Impact Statement/Environmental Impact Report for the San Pedro Public Market (SPPM) Project* (2016 SPPM Addendum) (ICF 2016); accordingly, no further analysis regarding the West Harbor portion of the Project Site is required. This section relies on the *Cultural Resource Assessment for the 208 E. 22nd Street Parking Lot Improvements Project*, attached as Appendix E to this Subsequent Environmental Impact Report (SEIR).

Section 3.10, *Tribal Cultural Resources*, includes the following:

- A brief description of the environmental setting for tribal cultural resources in the Proposed Project vicinity, including summaries of the natural environment, Gabrielino ethnographic information, and historic context relevant to tribal cultural resources;
- A description of regulations and policies regarding tribal cultural resources that are applicable to the Proposed Project;
- A discussion of the methodology used to determine whether tribal cultural resources are present and may be affected by the Proposed Project;
- An impact analysis of the Proposed Project; and
- A description of mitigation measures proposed to reduce significant impacts, as applicable.

Key Points of Section 3.10, *Tribal Cultural Resources*, include the following:

- There are no tribal cultural resources listed in or eligible for listing in the California Register of Historic Resources (CRHR) or a local register of historical resources, as defined in Public Resources Code (PRC) Section 5020.1(k) at the 208 E. 22nd Street Parking Lot. Therefore, the Proposed Project would not result in a substantially different result from that in the *2009 San Pedro Waterfront Project (SPW) Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)* (2009 SPW EIS/EIR) (Port 2009), and the impact conclusion of less than significant remains valid;
- There are no tribal cultural resources that the Port of Los Angeles (Port) has determined to be significant in the Proposed Project area; therefore, the Proposed Project would not result in a substantially different result from that in the 2009 SPW EIS/EIR, and the impact conclusion of less than significant with mitigation remains valid;

- For archaeological resources that have the potential to be a tribal cultural resource, the Proposed Project would not result in a substantially different result from that in the 2009 SPW EIS/EIR, and the impact conclusion of less than significant with mitigation remains valid; and
- For human remains that have the potential to be a tribal cultural resource, the Proposed Project would not result in a substantially different result from that in the 2009 SPW EIS/EIR, and the impact conclusion of less than significant with mitigation remains valid.

3.10.1 Introduction

This section describes the affected environment and regulatory setting for tribal cultural resources, followed by an analysis of the Proposed Project's potential to cause a substantial adverse change in the significance of a tribal cultural resource.

3.10.2 Environmental Setting

The Proposed Project area lies within the territory of the Gabrielino Native American people (Bean and Smith 1978). The Gabrielino are characterized as one of the most complex societies in native southern California, second perhaps only to the Chumash, their coastal neighbors to the northwest. This complexity derives from their overall economic, ritual, and social organization (Bean and Smith 1978:538).

The Gabrielino, an Uto-Aztecan (or Shoshonean) group, may have entered the Los Angeles basin as recently as 1,500 years before present (BP). In early protohistoric times, the Gabrielino occupied a large territory that included the entire Los Angeles basin. This region encompassed the coast from the city of Malibu to Aliso Creek, parts of the Santa Monica Mountains, the San Fernando, San Gabriel, and San Bernardino valleys, the northern parts of the Santa Ana Mountains, and much of the middle to lower Santa Ana River. The Gabrielino also occupied the islands of Santa Catalina, San Clemente, and San Nicolas. Within this large territory were more than 50 residential communities, each with a population ranging from 50 to 150 individuals.

The Gabrielino had access to a broad and diverse resource base. Like that of most native Californians, acorns were a staple with the Gabrielino, who had established an industry by the time of the early Intermediate period. Acorns were supplemented with the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, agave). Freshwater and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed. This wealth of resources, coupled with an effective subsistence technology, well-developed trade network, and ritual system, resulted in a society that was among one of the most materially wealthy and culturally sophisticated cultural groups in California at the time of European contact.

In 1770, Father Junípero Serra was commissioned to establish a mission system, extending from San Diego to San Francisco. Mission San Gabriel Arcángel was founded in 1771. The local Tongva inhabitants were forced to work under the missionaries as general laborers and farm hands. The people were forbidden to speak their native language or practice any forms of their traditional lifeways or ceremonies. To identify them as subjects of Mission San Gabriel, the neophytes were later referred to as the *Gabrielino*. The introduction of European diseases (e.g., measles, smallpox), along with poor diet and living conditions, devastated the Gabrielino population.

3.10.2 Regulatory Setting

This section describes relevant laws and policies regarding tribal cultural resources.

3.10.2.1 State Regulations

California Environmental Quality Act and Public Resources Code Section 5024.1 (California Register of Historical Resources)

The California Environmental Quality Act (CEQA) requires public agencies to evaluate the effects of their projects on the environment; it includes significant historical resources as part of the environment. According to CEQA, a project that causes a substantial adverse change in the significance of a historical resource or a unique archaeological resource has a significant effect on the environment (State CEQA Guidelines § 15064.5; PRC § 21083.2).

CEQA defines a *substantial adverse change* as follows.

- Physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of the historical resource would be materially impaired; or
- Demolition or material alteration of the physical characteristics that convey the resource's historical significance and justify its designation as a historical resource.

Public agencies must treat any cultural resource as significant unless a preponderance of evidence demonstrates that it is not historically or culturally significant (14 California Code of Regulations [CCR] 15064.5). A historical resource is considered significant if it meets the definition of *historical resource* or *unique archaeological resource*.

The term *historical resource* includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (PRC § 5020.1[j]). Historical resources may be designated as such through three different processes:

1. Official designation or recognition by a local government pursuant to local ordinance or resolution (PRC § 5020.1[k]);
2. A local survey conducted pursuant to PRC Section 5024.1(g); and/or
3. Listing in or eligibility for listing in the National Register of Historic Places (NRHP) (PRC § 5024.1[d][1]).

The CRHR is very similar to the NRHP. Enacted in 1992, the CRHR's regulations became official on January 1, 1998. The CRHR is administered by the Office of Historic Preservation and was established to serve as an authoritative guide to the state's significant historical and archaeological resources (PRC § 5024.1).

In order for a property to be considered CRHR-eligible, state law provides that it must be significant under any of the four criteria outlined below, which parallel the NRHP criteria.

1. The property is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

2. The property is associated with the lives of persons important in our past.
3. The property embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; possesses high artistic values.
4. The property has yielded, or may be likely to yield, information important in prehistory or history.

To be considered a historical resource for the purposes of CEQA, the resource must also have *integrity*, defined as the authenticity of a resource's physical identity as evidenced by the survival of characteristics that existed during the resource's period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and convey the reasons for their significance. Integrity is evaluated regarding the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is eligible for CRHR listing (14 CCR 4852[c]).

Resources listed in the NRHP are automatically included in the CRHR.

Assembly Bill 52 (Chapter 532, Statutes of 2014)

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American Tribes as part of CEQA. It equates significant impacts on tribal cultural resources with significant environmental impacts (PRC § 21084.2). PRC Section 21074 defines *tribal cultural resources* as follows.

- Sites, features, places, sacred places, and objects with cultural value to descendant communities or cultural landscapes defined in size and scope that are:
 - Included in or eligible for listing in the CRHR, or
 - Included in a local register of historical resources.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c).

Sacred places can include sanctified Native American cemeteries, places of worship, religious or ceremonial sites, and sacred shrines. In addition, both unique and non-unique archaeological resources, as defined in PRC Section 21083.2, can be tribal cultural resources if they meet the criteria detailed above. The lead agency relies on substantial evidence to make the determination that a resource qualifies as a tribal cultural resource when it is not already listed in the CRHR or a local register.

AB 52 defines a *California Native American Tribe* as a Native American Tribe in California that is on the contact list that the Native American Heritage Commission (NAHC) maintains (PRC § 21073). Under AB 52, formal consultation with Tribes is required prior to determining the level of environmental document needed, if a Tribe has requested to be informed by the lead agency of proposed projects and if the Tribe, on receiving notice of a project, accepts the opportunity to consult within 30 days of receipt of the notice. AB 52 also requires consultation, if initiated, to address project alternatives and mitigation measures for significant effects, if specifically requested by the Tribe. AB 52 states that consultation is considered concluded when either the parties agree to measures to mitigate or avoid a significant effect on tribal cultural resources, or when either the Tribe or the agency concludes that mutual agreement cannot be reached after making a reasonable, good-

faith effort. Under AB 52, if measures were determined to avoid or lessen a significant impact on a tribal cultural resource, then any mitigation measures recommended by the agency or agreed on with the Tribe may be included in the final environmental document and in the adopted mitigation monitoring program. If the recommended measures are not included in the final environmental document, then the lead agency must consider the four mitigation methods described in PRC Section 21084.3(e). Any information submitted by a Tribe during the consultation process is considered confidential and is not subject to public review or disclosure. It would be published in a confidential appendix to the environmental document unless the Tribe consents to disclosure of all or some of the information to the public.

California Health and Safety Code Section 7050.5/Public Resources Code Section 5097.9

California Health and Safety Code Section 7050.5 addresses the protection of human remains discovered in any location other than a dedicated cemetery and makes it a misdemeanor for any person to knowingly mutilate or disinter, wantonly disturb, or willfully remove any human remains in or from any location other than a dedicated cemetery without authority of law, except as provided in PRC Section 5097.99. It further states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains, until the coroner of the county in which the human remains were discovered has determined that the remains are not subject to the provisions concerning the investigation of the circumstances, manner, and cause of any death and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to their authorized representative, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to their authority and recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, then they will contact the NAHC by telephone within 24 hours. Whenever the NAHC receives notification of a discovery of Native American human remains from a County Coroner, it must immediately notify those people it believes to be the Most Likely Descendants of the deceased Native American. The descendants may inspect the site of the discovery and make recommendations regarding removal or reburial of the remains.

PRC Section 5097 addresses archaeological, paleontological, and historic sites on state land, as well as the cooperative efforts with the NAHC that are to be undertaken as part of a project being evaluated under CEQA. PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on non-federal public lands. PRC Section 5097.5 considers it a misdemeanor to knowingly and willfully excavate on or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, or archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. The disposition of Native American burials falls within the jurisdiction of the NAHC, which prohibits willfully damaging any historic, archaeological, or vertebrate paleontological site or feature on public lands (PRC § 5097.9). PRC Section 5097.98 stipulates that whenever the NAHC receives notification of a discovery of Native American human remains from the County Coroner, it must immediately notify those people it

believes to be the Most Likely Descendants of the deceased Native American. The descendants may inspect the site of discovery and make recommendations on the removal or reburial of the remains.

California Government Code Section 6254(r) and California Public Records Act Section 6254.10

California Government Code Section 6254(r) and California Public Records Act Section 6254.10 were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. California Government Code Section 6254(r) explicitly authorizes public agencies to withhold information from the public related to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” California Public Records Act Section 6254.10 specifically exempts from disclosure requests for

records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American Tribe and a state or local agency.

3.10.2.2 Local Regulations

This section describes local City of Los Angeles (City) Office of Historic Resources laws and policies regarding tribal cultural resources, as well as those of the Los Angeles Harbor Department (LAHD).

City of Los Angeles

The criteria for designation as a Historic-Cultural Monument (HCM) are codified in Los Angeles Municipal Code Chapter 9, Section 22. An HCM is any site, including significant trees or other plant life, building, or structure of particular historic or cultural significance to Los Angeles. Designated resources may include historic structures or sites that meet the following criteria.

- The broad cultural, political, economic, or social history of the nation, state, or community is reflected or exemplified;
- The resources are identified with historic personages or with important events in the main currents of national, state, or local history;
- The resources embody the distinguishing characteristics of an architectural-type specimen inherently valuable for a study or a period, style, or method of construction; and
- The resources represent notable work of a master builder, designer, or architect whose individual genius influenced his age.

A Los Angeles Historic District is identified as a Historic Preservation Overlay Zone (HPOZ). An HPOZ defines “an area of the city which is designated as containing structures, landscaping, natural features or sites having historic, architectural, cultural or aesthetic significance” (Los Angeles Planning Department, Office of Historic Resources n.d.). Likewise, it must meet at least one of the criteria listed above under the HCM criteria. The procedures for designating an HPOZ are found in Los Angeles Municipal Code Section 12.20.3.

Port of Los Angeles

The LAHD adopted the *Built-Environment Historic, Architectural, and Cultural Resource Policy* (Resolution No. 13-7479) on April 24, 2013. This policy includes the identification of historical resources early in the planning process, provides a framework for the identification of historical resources, and supports preservation and re-use of historical resources. Four sections make up the policy: Inventory, Evaluation, Preservation, and Documentation of Historic Resources.

3.10.3 Prior Mitigation Measures and Revisions Applicable to the Proposed Project

Prior to 2015, tribal cultural resources were not a CEQA-defined resource type; resources that may now be considered tribal cultural resources were subsumed under cultural resources. Although the 2009 SPW EIS/EIR did not specifically address tribal cultural resources, it concluded that impacts on archaeological resources would be less than significant with mitigation. Several mitigation measures were included to reduce potential impacts on archaeological resources to less-than-significant levels. The following are descriptions of mitigation measures (MM-) CR-1 through MM-CR-4, as paraphrased from the 2009 SPW EIS/EIR Mitigation Monitoring and Reporting Program (MMRP) and *2016 Addendum to the San Pedro Waterfront Project Environmental Impact Statement/Environmental Impact Report for the San Pedro Public Market Project* (2016 SPPM Addendum) (ICF 2016). MM-CR-1 through MM-CR-2a and b are no longer applicable because they apply to an area outside the Proposed Project Site, but are included for additional information. No changes are proposed to any of the following previously identified mitigations measures.

MM-CR-1: Generate Treatment Plan and Conduct Archaeological Testing for Mexican Hollywood Prior to Construction.

Potential additional intact subsurface historic archaeological deposits associated with Mexican Hollywood should be characterized and evaluated for eligibility for inclusion in the CRHR by a qualified archaeologist. A testing plan will be developed that will describe evaluation methods for determining the eligibility of new finds in Mexican Hollywood for listing in the CRHR. Should the identification and evaluation efforts reveal that newly identified deposits do not meet the criteria for inclusion in the CRHR, no further mitigation will be required. However, if newly discovered portions of Mexican Hollywood are determined eligible for listing in the CRHR, implementation of MM-CR-2a and/or MM-CR-2b will reduce impacts to less-than-significant levels.

MM-CR-2a: If Additional CRHR-Eligible Deposits Associated with Mexican Hollywood Are Identified, Redesign Proposed Project to Ensure Preservation in Place.

If identification and evaluation efforts result in the determination that Mexican Hollywood meets the criteria for inclusion in the CRHR, efforts will be made to avoid these deposits during Proposed Project development and preserve them in place, which is the preferred mitigation measure under CEQA. Options for preservation in place include, but are not limited to, incorporating the site into park or open space land, avoiding the site during construction, burying the site with sterile sediment, or placing the site within a permanent conservation easement. If preservation in place is not feasible, conduct data recovery, as defined in MM-CR-2b, below.

MM-CR-2b: Conduct Data Recovery.

If avoidance or redesign of the Proposed Project is not feasible, then research and fieldwork to recover and analyze the data contained in that site will be conducted. This work may involve additional archival and historical research; excavation; analysis of the artifacts, features, and other data discovered; presentation of the results in a technical report; and curation of the recovered artifacts and accompanying data. Consultation with the Advisory Council on Historic Preservation, State Historic Preservation Officer (SHPO), and other interested or knowledgeable parties may also be required or appropriate.

A standard data recovery report will be prepared when all the fieldwork is concluded. The consultant will prepare a comprehensive technical report that will describe the archaeological goals and methods and present the findings and interpretations. The report will synthesize both the archival research and important archaeological data in an attempt to address the research questions presented in the research design/testing plan. The report will be submitted to the client and any reviewing agencies; it ultimately will be filed with the Eastern Information Center, located at California State University, Fullerton.

MM-CR-3: Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities

In the event that an artifact or an unusual amount of bone, shell, or nonnative stone is encountered during construction, work will be immediately stopped and relocated from that area. The contractor will stop construction within 100 feet of the exposure of these finds until a qualified archaeologist, retained by LAHD and Tenant in advance of construction, can be contacted to evaluate the find (see 36 Code of Federal Regulations 800.11.1 and pertinent CEQA regulations). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos, chipped stone tools such as projectile points or choppers, flakes of stone not consistent with the immediate geology, such as obsidian or fused shale, trash pits containing bottles and/or ceramics, or structural remains. If the resources are found to be significant, then they will be avoided or mitigated consistently with SHPO guidelines. All construction equipment operators will attend a preconstruction meeting presented by a professional archaeologist retained by LAHD and Tenant through the construction contractor to review the types of cultural resources and artifacts that would be considered significant and ensure operator recognition of these materials during construction.

If human remains are encountered, then there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Los Angeles County Coroner will be contacted to determine the age and cause of death. If the remains are not of Native American heritage, then construction in the area may recommence. If the remains are of Native American origin, then the Most Likely Descendants of the deceased will be identified by the NAHC. LAHD and the U.S. Army Corps of Engineers (USACE) will consult with the Native American Most Likely Descendant(s) to identify a mutually acceptable strategy for treating and disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in PRC Section 5097.98. If the NAHC is unable to identify a Most Likely Descendant, if the descendant fails to make a recommendation within 24 hours of being notified by the NAHC, LAHD, or USACE, and/or if the descendant is not able to reach a mutually acceptable strategy through mediation with the NAHC, then the Native American human remains and

associated grave goods will be reburied with appropriate dignity on the Project Site in a location not subject to further subsurface disturbance.

MM-CR-4: Develop a program to mitigate impacts on nonrenewable paleontological resources prior to excavation or construction of any Proposed Project components.

The paleontological program was previously implemented and complied with. Paleontology is addressed separately from cultural resources in its own section and is no longer covered under the cultural resources section

MM-CR-1, *Generate Treatment Plan and Conduct Archaeological Testing for Mexican Hollywood Prior to Construction*, **MM-CR-2a**, *If Additional CRHR-Eligible Deposits Associated with Mexican Hollywood Are Identified, Redesign Proposed Project to Ensure Preservation in Place*, and **MM-CR-2b**, *Conduct Data Recovery*, are not applicable to this SEIR because the mitigation measures pertain to specific archaeological resources that are not present in the 208 E. 22nd Street Parking Lot study area. **MM-CR-3**, from the 2009 SPW EIS/EIR, would apply to the Proposed Project to minimize impacts if archaeological resources were discovered during ground disturbance.

3.10.4 Methodology

This tribal cultural resources section only focuses on the 208 E. 22nd Street Parking Lot component of the Proposed Project because it is the only location not previously included in the 2009 SPW EIS/EIR or the 2016 SPPM Addendum that may have the potential to substantially affect tribal cultural resources in a manner that would be inconsistent with the two previous environmental documents. Those locations previously analyzed in the 2009 SPW EIS/EIR and the 2016 SPPM Addendum were dismissed from further consideration in the Initial Study/Notice of Preparation (Appendix A).

The baseline for tribal cultural resources includes resources 50 years of age or older, in accordance with the Port's *Built-Environment Historic, Architectural, and Cultural Resource Policy*. Records searches, research, consultation, and an evaluation of resources were conducted to identify tribal cultural resources pursuant to CEQA. The 2009 SPW EIS/EIR identified cultural resources, as discussed in Section 3.4.2.6 of that document. The technical cultural report completed for the 208 E. 22nd Street Parking Lot Project (Appendix E) did not identify any tribal cultural resources in the study area. Therefore, the baseline is no tribal cultural resources and no known archaeological resources or human remains. However, the potential exists to discover during construction previously unidentified archaeological resources or human remains that may be tribal cultural resources.

3.10.4.1 208 E. 22nd Street Parking Lot

The identification of tribal cultural resources was based on information from several sources, including the cultural resources chapter of the 2009 SPW EIS/EIR and the 2016 SPPM Addendum. In addition, the results of a Port-wide records search conducted in 2019, documenting all cultural resources sites and studies within the Port's jurisdiction, was reviewed.

The California NAHC was asked to check its Sacred Lands File (SLF). A response was received on June 12, 2023. The results of the SLF check conducted through the NAHC were negative; no tribal cultural resources are known from the Proposed Project Site.

On June 21, 2023, LAHD provided notification of the Proposed Project, pursuant to the provisions of AB 52 and PRC Section 21080.3.1(d), to seven Native American Tribes, including the Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino Tongva Nation, Gabrielino–Tongva Tribe, Gabrielino Tongva Indians of California Tribal Council, Santa Rosa Band of Cahuilla Indians, and Soboba Band of Luiseno Indians. No meetings or consultations were requested by any of the notified Tribes.

The Project Site is on a modern, artificial landform that was constructed from dredged material, which was used as fill. Given the inaccessibility of the current Proposed Project area landform prior to its construction in the early twentieth century, there is limited to no potential for intact tribal cultural resources.

3.10.5 Thresholds of Significance

The Proposed Project would have a significant impact related to tribal cultural resources if it would cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe and is:

1. Listed or eligible for listing in the CRHR or in a local register of historical resources, as defined in PRC Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c).

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 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 listed in 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)?

Summary of 2009 SPW EIS/EIR Findings

Impacts on tribal cultural resources were not analyzed in the 2009 SPW EIS/EIR because tribal cultural resources were not defined as a CEQA resource category until AB 52 became law on July 1, 2015. However, the cultural resources records search, NAHC correspondence, and results of the field survey did not identify any archaeological sites or sacred sites that might be presently interpreted as tribal cultural resources. To mitigate impacts on potential archaeological resources, the 2009 SPW EIS/EIR included mitigation measures, including **MM-CR-3**, which would reduce this impact to a less-than-significant level.

Summary of 2016 SPPM Addendum Findings

The 2016 SPPM Addendum findings concluded that implementation of **MM-CR-3** would minimize impacts on archaeological resources. This mitigation measure would be applicable to any present-day unanticipated tribal cultural resources of an archaeological nature. As such, the Proposed Project would not result in any change to the impact determination previously listed in the cultural resources section of the 2009 SPW EIS/EIR or the 2016 SPPM Addendum.

Impacts of the Proposed Project

208 E. 22nd Street Parking Lot

No tribal cultural resources were identified by the Port through outreach to the NAHC or through AB 52 consultation with local Native American Tribes. Construction, improvements, and operations at the 208 E. 22nd Street Parking Lot would not result in changes to the proposed operational and development activities of the previously approved project. Construction and operation of the 208 E. 22nd Street Parking Lot would not result in a substantial adverse change pertaining to tribal cultural resources, as defined in PRC Section 21074, including in the significance of a tribal cultural resource listed in or eligible for listing in a register of historical resources, as defined in PRC Section 5020.1(k).

Previous Mitigation Measures Applicable to the Proposed Project

Of the four mitigation measures included in the 2009 SPW EIS/EIR, only **MM-CR-3**, *Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities*, would apply to the Proposed Project.

New Mitigation Measures Applicable to the Proposed Project

No new mitigation measures would be required.

Significance after Mitigation

Inclusion of the 208 E. 22nd Street Parking Lot as part of the Proposed Project would not lead to a new significant impact or a substantial increase in the severity of previously identified significant impacts. Implementation of **MM-CR-3** from the 2009 SPW EIS/EIR MMRP would ensure that residual impacts would be reduced to less than significant for the 208 E. 22nd Street Parking Lot.

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 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 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 Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American Tribe?

Summary of 2009 SPW EIS/EIR Findings

Impacts on tribal cultural resources were not analyzed in the 2009 SPW EIS/EIR because tribal cultural resources were not defined as a resource category under CEQA until AB 52 became law on July 1, 2015. However, the cultural resources records search, NAHC correspondence, and results of the field survey did not identify any archaeological sites or sacred sites that might be presently interpreted as traditional cultural properties, and the Port did not identify any archaeological resources or sacred sites in the Proposed Project area. To mitigate impacts on potential archaeological resources, the 2009 SPW EIS/EIR MMRP included mitigation measures, including **MM-CR-3**, which would reduce this impact to a less-than-significant level.

Summary of 2016 SPPM Addendum Findings

The 2016 SPPM Addendum to the 2009 SPW EIS/EIR determined that the SPPM Project would not result in new significant impacts on archaeological resources that might be considered tribal cultural resources or require new mitigation measures that were not already evaluated in the 2009 SPW EIS/EIR.

Impacts of the Proposed Project

208 E. 22nd Street Parking Lot

No tribal cultural resources were identified by the Port through outreach to the NAHC or AB 52 consultation with local Native American Tribes.

Construction, improvements, and operations at the 208 E. 22nd Street Parking Lot would not result in changes to the proposed operational and development activities outlined in the 2009 SPW EIS/EIR or the 2016 SPPM Addendum. Construction and operation of the 208 E. 22nd Street Parking Lot would not result in a substantial adverse change in a resource determined by the Port, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). No tribal cultural resources were identified in the Proposed Project. As such, the Proposed Project would not result in any change to the impact determination previously listed in the cultural resources section of the 2009 SPW EIS/EIR or the 2016 SPPM Addendum.

Previous Mitigation Measures Applicable to the Proposed Project

Of the four mitigation measures included in the 2009 SPW EIS/EIR MMRP, only one is applicable to the 208 E. 22nd Street Parking Lot. **MM-CR-3**, *Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities*, is being carried over from the 2009 SPW EIS/EIR, but has been slightly modified so that the professional archaeologist would be retained by LAHD and the Tenant through the construction contractor.

New Mitigation Measures Applicable to the Proposed Project

No new mitigation measures would be required.

Significance after Mitigation

Inclusion of the 208 E. 22nd Street Parking Lot as part of the Proposed Project would not lead to a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. Implementation of **MM-CR-4** from the 2009 SPW EIS/EIR MMRP would ensure that residual impacts would be reduced to less than significant for the 208 E. 22nd Street Parking Lot.

3.10.6 Alternatives Impact Determination

3.10.6.1 Alternative 1 – No Project Alternative

Under Alternative 1, conditions are assumed to be consistent with the previously approved projects in the 2009 SPW EIS/EIR and 2016 SPPM Addendum. Impacts on tribal cultural resources were not analyzed when the 2009 SPW EIS/EIR was certified because AB 52 did not come into effect until July 2015.

The cultural resources analysis did not identify any archaeological sites or sacred sites that might be presently interpreted as tribal cultural resources. However, **MM-CR-3** would be implemented, which would stop work if an unanticipated discovery of cultural resources occurs. Therefore, Alternative 1 would have a less-than-significant impact with mitigation incorporated, similar to the Proposed Project.

3.10.6.2 Alternative 2 (Half-Capacity Amphitheater)

Alternative 2 (refer to Chapter 5.0 *Alternatives*) includes an Amphitheater similar to the one that would be developed as part of the Proposed Project, but with an anticipated maximum capacity of 3,100. Construction and operational activities would remain similar to those of the Proposed Project, but with fewer attendees.

The cultural resources analysis did not identify any archaeological sites or sacred sites that might be presently interpreted as tribal cultural resources. However, **MM-CR-3** would be implemented, which would stop work if an unanticipated discovery of cultural resources occurs. Therefore, Alternative 2 would have a less-than-significant impact with mitigation incorporated, similar to the Proposed Project.

3.10.7 Impact Summary

Table 3.10-1 presents a summary of the impact determinations of the Proposed Project related to tribal cultural resources, which are described in detail in Sections 3.10.5 and 3.10.6, above. As presented in Table 3.10-1, no new significant or substantially more severe impacts than those previously analyzed would occur. For each type of potential impact, the table describes the impact, notes the impact determination, describes any applicable mitigation measures, and notes the residual impact (i.e., the impact remaining after mitigation.) All impacts, whether significant or not, are included in this table.

Table 3.10-1. Summary of Potential Impacts on Tribal Cultural Resources Associated with the Proposed Project

Environmental Impacts	Impact Determination	MM(s)	Impact After Mitigation
<i>Proposed Project</i>			
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 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 listed in 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)?	Less than significant	Because the potential for encountering previously unidentified tribal cultural resources always exists, implementation of MM-CR-3 is required.	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 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 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 Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American Tribe.	Less than significant	Because the potential for encountering previously unidentified tribal cultural resources always exists, implementation of MM-CR-3 is required.	Less than significant
<i>Alternative 1 – No-Project Alternative</i>			
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 a site, feature, place, cultural landscape that is geographically defined in terms of	Less than significant	Because the potential for encountering previously unidentified tribal	Less than significant

Environmental Impacts	Impact Determination	MM(s)	Impact After Mitigation
the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe and listed in 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)?		cultural resources always exists, implementation of MM-CR-3 is required.	
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 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 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 Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American Tribe.	Less than significant	Because the potential for encountering previously unidentified tribal cultural resources always exists, implementation of MM-CR-3 is required.	Less than significant
Alternative 2 – Half-Capacity Amphitheater Alternative			
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 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 listed in 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)?	Less than significant	Because the potential for encountering previously unidentified tribal cultural resources always exists, implementation of MM-CR-3 is required.	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 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 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 Resource Code Section 5024.1, the lead agency will	Less than significant	Because the potential for encountering previously unidentified tribal cultural resources always exists, implementation of MM-CR-3 is required.	Less than significant

Environmental Impacts	Impact Determination	MM(s)	Impact After Mitigation
consider the significance of the resource to a California Native American Tribe.			

MM = mitigation measure

3.10.8 Mitigation Monitoring Program

The mitigation monitoring program outlined in Table 3.10-2 is applicable to the Project.

Table 3.10-2. Mitigation Monitoring Program

<p>MM-CR-3: Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities In the event that an artifact or an unusual amount of bone, shell, or nonnative stone is encountered during construction, work will be immediately stopped and relocated from that area. The contractor will stop construction within 100 feet of the exposure of these finds until a qualified archaeologist, retained by LAHD and Tenant in advance of construction, can be contacted to evaluate the find (see 36 Code of Federal Regulations 800.11.1 and pertinent CEQA regulations). Examples of such cultural materials might include concentrations of ground stone tools, such as mortars, bowls, pestles, and manos, chipped stone tools, such as projectile points or choppers; flakes of stone not consistent with the immediate geology, such as obsidian or fused shale, trash pits containing bottles and/or ceramics, or structural remains. If the resources are found to be significant, then they will be avoided or mitigated, consistently with SHPO guidelines. All construction-equipment operators will attend a preconstruction meeting presented by a professional archaeologist retained by LAHD and the Tenant through the construction contractor to review the types of cultural resources and artifacts that would be considered significant to ensure operator recognition of these materials during construction.</p> <p>If human remains are encountered, then there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Los Angeles County Coroner will be contacted to determine the age and cause of death. If the remains are not of Native American heritage, then construction in the area may recommence. If the remains are of Native American origin, then the Most Likely Descendants of the deceased will be identified by the NAHC. LAHD and the U.S. Army Corps of Engineers (USACE) will consult with the Native American Most Likely Descendant(s) to identify a mutually acceptable strategy for treating and disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in PRC Section 5097.98. If the NAHC is unable to identify a most likely descendant, if the descendant fails to make a recommendation within 24 hours of being notified by the NAHC, LAHD, or USACE, and if the descendant is not able to reach a mutually acceptable strategy through mediation by the NAHC, then the Native American human remains and associated grave goods will be reburied with appropriate dignity on the Project Site in a location not subject to further subsurface disturbance.</p>	
Timing	During initial ground disturbance during construction
Methodology	Environmental Compliance Plan prior to any construction activity, excavation, laboratory processing, reporting, SHPO consultation

CEQA = California Environmental Quality Act; LAHD = Los Angeles Harbor Department; NAHC = Native American Heritage Commission; SHPO = State Historic Preservation Officer; USACE = U.S. Army Corps of Engineers