

## 5.4 Cultural Resources

### 5.4.1 INTRODUCTION

This section addresses potential environmental effects of the Proposed Project related to cultural resources, which include built and subsurface historic and archaeological resources. The analysis in this section is based, in part, on the following documents and resources:

- *Phase I and II Cultural Resources Assessment for the Port of Los Angeles Project*, Brian F. Smith and Associates, 31 July 2023, provided as EIR Appendix D.
- *City of Los Angeles Municipal Code*
- *Port Master Plan*, Adopted September 2018

In accordance with Public Resources Code Section 15120(d), certain information and communications that disclose the location of archaeological sites and sacred lands are allowed to be exempt from public disclosure.

### Cultural Resources Terminology

- **Archaeological resources** include any material remains of human life or activities that are at least 100 years of age, and that are of scientific interest. A unique or significant 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 (1) contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; (2) has a special and particular quality, such as being the oldest of its type or the best available example of its type; and (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.
- **Cultural resources** are defined as buildings, sites, structures, or objects, each of which may have historic, architectural, archaeological, cultural, or scientific importance, according to the California Environmental Quality Act (CEQA).
- **Historic building or site** is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.
- **Historic context** refers to the broad patterns of historic development in a community or its region that is represented by cultural resources. A historic context statement is organized by themes such as economic, residential, and commercial development.
- **Historical resources** are defined as “a resource listed or eligible for listing on the California Register of Historical Resources” (CRHR) (Public Resources Code, Section 5024.1; 14 CCR 15064.5). Under State CEQA Guidelines Section 15064.5(a), the term “historical resources” includes the following:
  - (1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.1).
  - (2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
  - (3) Any object, building, structure, site, area, place, record, or manuscript 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 may be considered to be a historical resource, provided the lead agency’s determination is supported by

substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code Section 5024.1) including the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
  - (B) Is associated with the lives of persons important in California’s past;
  - (C) 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
  - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

## 5.4.2 REGULATORY SETTING

### 5.4.2.1 Federal Regulations

#### **National Historic Preservation Act**

The National Historic Preservation Act of 1966 (NHPA) established the National Register of Historic Places (National Register), which is the official register of designated historic places. The National Register is administered by the National Park Service, and includes listings of buildings, structures, sites, objects, and districts that possess historical, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

To be eligible for the National Register, a property must be significant under one or more of the following criteria per 36 Code of Federal Regulations Part 60:

- a) Properties that are associated with events that have made a significant contribution to the broad patterns of our history;
- b) Properties that are associated with the lives of persons significant in our past;
- c) Properties 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) Properties that have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the aforementioned criteria, an eligible property must also possess historic “integrity,” which is “the ability of a property to convey its significance.” The National Register criteria recognize seven qualities that define integrity: location, design, setting, materials, workmanship, feeling, and association.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the National Register as significant historic resources. Properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the National Register.

Properties listed in or eligible for listing in the National Register are also eligible for listing in the California Register, and as such, are considered historical resources for CEQA purposes.

## 5.4.2.2 State Regulations

### California Register of Historical Resources

Eligibility for inclusion in the California Register is determined by applying the following criteria:

- 1) It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2) It is associated with the lives of persons important in California's 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 value; or
- 4) It has yielded or is likely to yield information important in prehistory or history. The Register includes properties which are listed or have been formally determined to be eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest (PRC §5024.1).

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

### California Health and Safety Code Section 7050.5

Health and Safety Code Section 7050.5(b) and (c) provides that if human remains are discovered, excavation or disturbance in the vicinity of human remains shall cease until the County Coroner is contacted and has reviewed the remains. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.

### Public Resources Code Section 5097.98

Public Resources Code Section 5097.98 provides guidance on the appropriate handling of Native American remains. Once the NAHC receives notification from the Coroner of a discovery of Native American human remains, the NAHC is required to notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.98(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

### State CEQA Guidelines Section 15064.5

State CEQA Guidelines Section 15064.5 provides parameters for determining the significance of impacts to archaeological and historical resources. The section provides the definition of historical resources, and how to analyze impacts to resources that are designated or eligible for designation as a historical resource. Section 15064.5 additionally provides provisions for the accidental discovery or recognition of human remains in any location other than a dedicated cemetery.

### 5.4.2.3 Local Regulations

#### City of Los Angeles General Plan Conservation Element

The City of Los Angeles General Plan Conservation Element requires the identification and protection of archaeological sites and artifacts as a part of local development permit processing (City of Los Angeles, 2001).

#### City of Los Angeles Municipal Code

**Section 91.106.4.5. Permits for Historical and Cultural Buildings.** The City of Los Angeles Building and Safety Department shall not issue a permit to demolish, alter or remove a building or structure of historical, archaeological or architectural consequence if such building or structure has been officially designated, or has been determined by state or federal action to be eligible for designation, on the National Register of Historic Places, or has been included on the City of Los Angeles list of historic cultural monuments, without the department having first determined whether the demolition, alteration or removal may result in the loss of or serious damage to a significant historical or cultural asset. If the City of Los Angeles Building and Safety Department determines that such loss or damage may occur, the Applicant shall file an application and pay all fees for the California Environmental Quality Act Initial Study and Check List, as specified in Section 19.05 of the Los Angeles Municipal Code. If the Initial Study and Check List identifies the historical or cultural asset as significant, the permit shall not be issued without the department first finding that specific economic, social or other considerations make infeasible the preservation of the building or structure (City of Los Angeles, 2023).

#### Los Angeles Harbor Department Built Environment Historic, Architectural, and Cultural Resource Policy

The purpose of the Los Angeles Harbor Department (LAHD) Built Environment Historic, Architectural, and Cultural Resource Policy is to establish policies for preservation and reuse of historic, architectural, and cultural heritage represented by the built environment in the Port of Los Angeles (POLA). The Policy also requires the LAHD to maintain an inventory of historic, architectural, and cultural resources and requires evaluation of structures over 50-years of age (LAHD, 2013a).

#### Port of Los Angeles Master Plan

**Goal 5: Protect Historic Resources.** The POLA 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 POLA'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, established the formal procedures for potential adaptive reuse and preservation of historic resources (LAHD, 2013a).

### 5.4.3 ENVIRONMENTAL SETTING

#### Prehistoric Background

The prehistoric setting discussion begins at the Terminal Pleistocene and Early Holocene: Paleo-Coastal Period (circa 9500 to 7000/6500 B.C.). Archaeological evidence from the northern Channel Islands suggests initial settlement in the region at least 12,000 years ago. Researchers have proposed that archaeological remains recovered from the lowermost cultural stratum at the site, including shell, animal bone, and chipped stone tools, may date to as early as 8000 cal B.C. (BFSA, 2023a – EIR Appendix D).

The Milling Stone Period or Horizon is the earliest well established coastal cultural occupation in the region. The onset of this period which began sometime between 7000 and 6500 cal B.C and is marked by the expansion of populations throughout southern California. Regional variations in technology, settlement patterns, and mortuary practices among Milling Stone sites have led researchers to define several local manifestations or “patterns” of the tradition. Groups that occupied modern-day Los Angeles County are thought to have been relatively small and highly mobile during this time, with a general subsistence economy focused upon the gathering of shellfish and plant foods, particularly hard seeds, with hunting being of less importance (Appendix D). During this time, two temporal subdivisions were defined as Topanga I (circa 6500 to 3000 B.C) and Topanga II (circa 3000 to 1000 B.C.). A significant technological change in ground stone occurs during this period, with the appearance of mortars and pestles at Topanga II sites, which suggests the adoption of balanophagy by coastal populations (BFSA, 2023a – EIR Appendix D).

The Intermediate Period (1500/1000 B.C. to A.D. 750) includes significant changes throughout the coastal areas of Southern California in material culture, settlement systems, subsistence strategies, and mortuary practices. Notable technological changes at this time included the introduction of the plank canoe and the bow and arrow.

The Late Holocene Period (A.D. 750 to Spanish Contact) includes the continued growth of regional populations and the development of large, sedentary villages. New types of material culture appeared during the Late Holocene Period including Cottonwood series points, birdstone, and effigies, cupped beads, and shell disc beads (BFSA, 2023a – EIR Appendix D).

The Late Holocene/Protohistoric Period/Gabrielino Period (1769 to Present) included dramatic density increases and population size resulting in a more diversified economy. Ethnographic data, the first of which came from Spanish explorers and missionaries, indicates that the Gabrielino (Tongva) were the major tribe established in the San Gabriel Valley. The Spanish attributed this name to the Native Americans in the area served by the Mission San Gabriel Arcángel. Gabrielino territory included the watersheds of the San Gabriel, Santa Ana, and Los Angeles rivers, portions of the Santa Monica and Santa Ana mountains, the Los Angeles Basin, the coast from Aliso Creek to Topanga Creek, and San Clemente, San Nicolas, and Santa Catalina islands (BFSA, 2023a – EIR Appendix D). The Gabrielino spoke a Cupan language that was part of the Shoshonean or Takic family of Uto-Aztecan linguistic stock; these linguistic ties united a dispersed ethnic group occupying 1,500 square miles in the Los Angeles Basin region (BFSA, 2023a – EIR Appendix D). As with other Native American populations in southern California, the arrival of the Spanish drastically changed life for the Gabrielino. Incorporation into the mission system disrupted their culture and changed their subsistence. Ranchos were established throughout the area, often in major drainages where Native American villages tended to be located (BFSA, 2023a – EIR Appendix D). Due to the Euro-American diseases, the Gabrielino population and other southern California groups experienced more drastic population declines and the smallpox epidemic nearly wiped out the remaining Gabrielino population.

## Historic Background

The historic background of the Project area began with the Spanish colonization of Alta California. The first Spanish colonizing expedition reached southern California in 1769 with the intention of converting and civilizing the indigenous populations, as well as expanding the knowledge of and access to new resources in the region. As a result, by the late eighteenth century, a large portion of southern California was overseen by Mission San Luis Rey (San Diego County), Mission San Juan Capistrano (Orange County), and Mission San Gabriel Arcángel (Los Angeles County), who began colonizing the region and surrounding areas. The pueblo that eventually became the City of Los Angeles was established in 1781. Los Angeles County saw an increase in European settlement during the Mexican period largely due to the land grants made to Mexican citizens. The increase in population of southern California during the 1880s increased the significance of the Port at San Pedro in conjunction with improvements to rail transportation. As a result of the population expansion of Los Angeles, the demand for more construction materials and general supplies grew exponentially, which resulted in the expansion of the Port at San Pedro. By 1917, a railroad network had been constructed around the harbor allowing for the greater ease of movement of goods out of the port and across the country.

With the involvement of the U.S. in World War II, San Pedro Harbor became of central importance as one of the closest ports to the Pacific Theatre of Operations. Between 1941 and 1945, ship and aircraft production facilities in the harbor area produced more than 15 million tons of war equipment. After World War II the Navy left the harbor and the Harbor Department removed many temporary wartime buildings, including the Western Terrace housing units, a housing project for war workers during World War II that overlapped a portion of the Project site (BFSA, 2023a – EIR Appendix D).

## Project Site

Prior to the modern development of the Harbor, Los Angeles Harbor was historically a low-lying coastal marsh referred to as Wilmington Lagoon. Prehistorically, the lagoon would have supported a complex network of estuaries, stream channels, tidal channels, sand spits, beaches, and marshy inlands providing a wide range of resources for the prehistoric inhabitants of the region (BFSA, 2023a – EIR Appendix D). As a result of the Altithermal (circa 11,000 years ago) sea level began to rise modifying drainage patterns and resource availability in the region.

At the time of the Cultural Assessment survey conducted on March 2, 2023 (BFSA, 2023a – EIR Appendix D), the Project area was covered in ruderal and ornamental vegetation. However, the site has a history of agricultural use and various developments. The history of the Project site has been identified through review of U.S. Geological Survey (USGS) topographic maps and historic aerial photographs that are included in the Phase I Environmental Site Assessment (EIR Appendix G). As listed in Table 5.4-1, the Project site was undeveloped or agricultural land in 1896. By 1923, most of the site was agricultural fields with a few rural farmhouse-type structures in the northeastern portion. In 1928, dirt roads, a few small structures, and bermed areas associated with the southeastern edge of the Union Oil Co. of California Refinery were located on the northern third of the site.

In the late 1940s and early 1950s, the southern part of the site was developed with portable residential military barracks and associated residential roads. Additional roadways, a small structure, and a small rail spur were developed on the northern side of the site. By 1963, the barracks and roads were removed; and the southern side of the site was again undeveloped, and the small structure on the north side that was visible in 1952 was removed. The I-110 freeway was installed to the northwest of the site in 1964, leaving a few dirt roads and a tunnel connection beneath the freeway. By 1981, the tunnel connection beneath the freeway no longer crossed the site, and cell towers were installed on site in the 2000s. Based on the records search

conducted as part of the Cultural Assessment, no documented historic resources exist on the Project site (BFSA, 2023a – EIR Appendix D).

**Table 5.4-1: Summary of Project Site History**

Year	Description of Site Conditions
1896	The site and adjacent areas were undeveloped land located to the northwest of Wilmington Lagoon. One roadway adjoined the northern end of the site to the east.
1923	Most of the site and surrounding area were developed with agricultural fields. A few rural farmhouse-type structures were located on, and just outside, the northeastern portion of the site. The Harbor Boulevard and a railroad right-of-way adjoined the northern end of the site to the east. The Union Oil Co. of California Refinery was located to the northwest of the site.
1925	One dirt pathway crossed the northern third of the site from east to west. A few additional small structures and expansion of the Union Oil Refinery were located in the surrounding area.
1928	The southern two-thirds of the site remained undeveloped/agricultural land. Oil refinery activities, including dirt roads, a few small structures were located on the northern third of the Property. The refinery activities to the northwest expanded toward the northern side of the site, including additional small structures. Land uses on other surrounding areas remained undeveloped or agricultural.
1948	Most of the site was still undeveloped land. Two dirt roadways associated with the adjacent Union Oil Refinery were located on the northern end of the site. One small rail spur was located near the eastern boundary between the two dirt roads on the northern end of the site. A few structures were located near the southern end of the site.
1951	The southern half of the site was developed with roads and San Pedro's Western Terrace Defense Housing Project, portable barrack structures installed during World War II. Dirt roads crossed the northern side of the site, connecting Wilmington and San Pedro Road to the refinery.  The barracks housing project also extended to areas surrounding the southern half of the Property. A few structures and railroad tracks were depicted on adjoining sites to the east and west of the northern side of the site. Los Angeles Port buildings were located across the road and railroad tracks to the east of the northern end of the site.
1963	The roads and barracks structures were removed from the southern half of the site, which appeared once again to be undeveloped land partially covered with vegetation, with remnants of roadways. Trees and bermed areas remained on the northern side of the site, but the small structure was removed. The I-110 was developed immediately to the northwest of the site.
1972	The southern half of the site was graded and largely cleared of vegetation. Some grading activities were also visible on the northern side of the site, on which there were bermed areas and dirt roads, but no structures.
1981	The southern side of the site remained undeveloped land largely covered with vegetation. Aboveground oil pipelines are visible on the northern half of the site. The dirt roadway crossing the northern end of the site no longer connects to the oil refinery to John S. Gibson Boulevard.
1989-2012	Other than cell phone tower installations on the site, no significant changes were noted between 1989 and 2012.

Source: SCS Engineers, 2017 (EIR Appendix G).

## Records Search Results

The Phase I and II Cultural Resources Assessment, included as Appendix D, completed an archaeological records search from South Central Coastal Information Center (SCCIC) at CSU Fullerton on March 2, 2023 for 0.5-mile around the Project site, which identified 16 cultural resources. The methodology for conduct of the records search is included in Section 5.4.5, below. Pursuant to CCR Section 15120(d), copies of records searches are exempt from disclosure to the public to maintain the confidentiality of archeological sites or sacred lands. Two of the previously recorded resources (Prehistoric shell midden and a previous historic structure) abut the property to the east and northwest, respectively. Of the resources identified within 0.5 mile of the site seven are prehistoric and nine are historic. The prehistoric sites include two shell middens, two

habitation sites, two lithic scatters, and one unknown. The historic resources include a historic refuse deposit, five historic structures related to the development of the port, and three elements of historic rail lines.

**Table 5.4-2: Records Search Results**

Site Numbers	Description	Location
CA-LAN-2873; CA-LAN-2874	Prehistoric lithic scatter	Within 0.5-mile
CA-LAN-285; CA-LAN-2875	Prehistoric habitation site	Within 0.5-mile
CA-LAN-149; CA-LAN-150	Prehistoric shell midden	Adjacent to site
CA-LAN-116	Prehistoric unknown	Within 0.5-mile
P-19-004167	Historic refuse deposit	Within 0.5-mile
CA-LAN-2135H; P-19-188199; P-19-188200; P-19-190956; P-19-190957	Historic structures	Adjacent to site
P-19-188896; P-19-188897; P-19-190512	Historic rail line	Within 0.5-mile

Source: BFSa, 2023a (EIR Appendix D)

The Phase I and II Cultural Resources Assessment also identified shell fragments and one Monterey Chert flake tool on the Project site during the field survey, which indicates a potential for subsurface deposits to also be present. The methodology for the Phase I and Phase II Cultural Resources Assessment is included in Section 5.4.5, below. Therefore, 13 shovel test pits were conducted across the previously identified shell scatter area, and 12 of which were positive for archaeological fragment material that included seven debitage, one core fragment, one flake tool, 18.7 grams of faunal bone and 1,722.5 grams of marine shell. The Phase I and II Cultural Resources Assessment described that all the materials are likely related to the general prehistoric occupation of what was once Wilmington Lagoon. However, no archaeological soil/midden was observed and noted disturbances included rodent activity as well as intermixed construction debris. The Phase I and II Cultural Resources Assessment determined that although artifacts were identified, the subsurface excavations indicate that there is no intact subsurface components and the limited frequency of artifacts and shells, with no associated artifacts, does not provide for significance (BFSa, 2023a – EIR Appendix D). The Phase I and II Cultural Resources Assessment describes that the previous disturbance (excavation and recompaction of soils) appears to be the cause for the presence of trace marine shell. The Phase I and II Cultural Resources Assessment did not identify any significant artifact concentrations, cultural deposits, or other features related to the prehistoric or historic use within the Project site. No historical resources or unique archaeological resources were identified as a result of the cultural survey and testing (BFSa, 2023a – EIR Appendix D).

## 5.4.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
- CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- CUL-3 Disturb any human remains, including those interred outside of formal cemeteries.



## Historical Resources Thresholds

Historical resources are usually 50 years old or older and must meet at least one of the criteria for listing in the California Register (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of physical integrity (State CEQA Guidelines Section 15064.5[a][3]). Additionally, State CEQA Guidelines Section 15064.5(b), states that a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that would have a significant effect on the environment. A substantial adverse change in the significance of a historical resource means 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. The significance of a historical resource is materially impaired when a project:

- a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources 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
- c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

### 5.4.5 METHODOLOGY

The cultural resources analysis is based on the conclusions of the Phase I and Phase II Cultural Resources Assessment and contains information that was compiled through field pedestrian survey, record searches, and reference materials. This study is included as Appendix D.

**Archaeological and Historic Records Search.** An archaeological and historical records search was completed by the SCCIC at California State University, Fullerton on March 2, 2023. This search included the Project site with an additional 0.5-mile buffer.

**Archaeological and Historic Field Surveys.** A Phase I archaeological survey was completed that included surveying the entire 18.3-acre property with 10-meter spaced transects. A survey form, field notes, and photographs documented the survey work undertaken.

**Significance Testing.** Based on the presence of cultural materials during the survey and the potential for subsurface deposits, a testing and significance evaluation program including a surface and subsurface investigation was conducted on July 6, 2023. The test program included a general surface collection and hand excavation of 13 shovel test pits were excavated to a depth of 30-80 centimeters, across the previously identified shell scatter area. Non-lithic materials, such as ecofacts (shell, bone, or wood) was subjected to specialized laboratory analyses to sort, identify, and catalog the materials.

Based on the archaeological and historic records search, field surveys, and significance testing, the Project site was assessed for archaeological sensitivity and the potential for the Proposed Project to impact historical or archaeological resources and human remains.

## 5.4.6 ENVIRONMENTAL IMPACTS

### IMPACT CUL-1: WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO SECTION 15064.5?

**Less-than-Significant Impact.** Historical resources are defined as “a resource listed or eligible for listing on the California Register of Historical Resources” (CRHR) (Public Resources Code, Section 5024.1; 14 CCR 15064.5). Under State CEQA Guidelines Section 15064.5(a), the term “historical resources” includes the following:

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register of Historical Resources (Public Resources Code, Section 5024.1).
- (2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (3) Any object, building, structure, site, area, place, record, or manuscript 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 may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code Section 5024.1) including the following:
  - (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
  - (B) Is associated with the lives of persons important in California’s past;
  - (C) 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
  - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

As described by the Phase I and II Cultural Resources Assessment and Section 5.4.3, the Project site is undeveloped, vacant land with no historic aged structures. Although the site has a history of various uses, including agriculture, development of residential structures, roadways, and facilities for surrounding refinery, freeway, and rail uses, the previous development has been removed and no historic development or structures exist onsite. Thus, no direct impacts to known historic age structures would result from the Proposed Project.

Surrounding land uses are urban and involve modern structures that include the I-110 to the north, John S. Gibson Boulevard to the southeast and the I-110 followed by vehicle storage to the west. Although, the record search prepared for the Proposed Project identified a previous historic structure (CA-LAN-2135H) that abuts the site to the northwest, the previous structure (associated with the 1917 Los Angeles Union Oil Refinery) no longer exists. Thus, the site is not adjacent to any existing historical structures that have the potential to be indirectly impacted by the Proposed Project.

The Project site has been previously disturbed from agriculture, residential, roadways, refinery support area uses and related development. The Phase I and II Cultural Resources Assessment identified shell fragments, one Monterey Chert flake tool, and remnant scatter in a heavily modified deposition from repeated development of the site since the early 1940s, which has removed any *in-situ* provenience information (Appendix D). The Phase I and II Cultural Resources Assessment determined that the Project site does not contain any potentially significant historic deposits. Due to the lack of integrity of the subsurface deposits, the Phase I and II Cultural Resources Assessment determined that the site does not include a historical resource pursuant to State CEQA Guidelines Section 15064.5(a) and the finds are not eligible for designation on the CRHR. The finds were determined to not meet any of the criteria for listing in the CRHR as they were determined to a) not be associated with any events that have made a significant contribution to the broad patterns of California's history and cultural heritage; b) not be associated with the lives of persons important in California's past; c) not embody distinctive construction or high artistic value, and d) not likely to yield, information important in prehistory or history. The Phase I and II Cultural Resources Assessment describes that the Phase II testing program demonstrated that the site has been heavily impacted and disturbed over the years that intact deposits are unlikely to remain onsite.

Overall, the Phase I and II Cultural Resources Assessment determined that the Proposed Project would not result in potentially adverse change in the significance of any historical resources as defined in the California Code of Regulations, Section 15064.5. Therefore, impacts to historical resources from development of the Proposed Project would be less than significant.

**IMPACT CUL-2: WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, SECTION 15064.5?**

**Less-than-Significant Impact with Mitigation Incorporated.** The Project site is an undeveloped, vacant site that has been previously disturbed by development and land modifications over time. The Phase I and Phase II Cultural Resources Assessment prepared for the Proposed Project included an archaeological records search that was completed at the SCCIC at CSUF which included a standard review of the National Register of Historic Places and the OHP Built Environment Resources Directory. All pertinent data was researched, including previous studies for a 0.5-mile radius surrounding the project area and the identification of recorded resources within one-half mile. In addition, the research included a review of the current listings (federal, state, and local) for evaluated resources and reviewed historic maps. The records search indicated that 16 cultural resources have been recorded within 0.5-mile of the Project site. Seven of the resources are prehistoric and include two shell middens, two habitation sites, two lithic scatters, and one unknown. One of the prehistoric shell middens was found adjacent to the east of the site.

The Phase I and II Cultural Resources Assessment also identified marine shell fragments during the pedestrian survey which included, one Monterey Chert flake tool, seven debitage, and fragments of faunal bone that are likely related to the general prehistoric occupation of what was once Wilmington Lagoon. However, no archaeological soil/midden was observed during the Phase II testing and noted disturbances included rodent activity as well as intermixed construction debris. The Phase I and II Cultural Resources Assessment determined that although artifacts were identified, there are no intact subsurface components.

As described in Section 3.0, *Project Description*, the Proposed Project includes excavation and grading of the Project site to depths of approximately 15 feet below the ground surface (Appendix F). Although the Phase I and II Cultural Resources Assessment determined that no significant subsurface intact resources exist, there is a potential for previously unknown archaeological resources to be below the soil surface. The potential exists that grading of the site could encounter archaeological deposits not encountered during testing. Therefore, monitoring during ground-disturbing activities, such as grading or trenching, by a qualified archaeologist is included as Mitigation Measure CUL-1 to ensure that if buried archaeological deposits are unearthed, they will be handled in a timely and proper manner. With implementation of Mitigation Measure

CUL-1, potential impacts to archaeological resources from development of the Proposed Project would be less than significant.

**IMPACT CUL-3: WOULD THE PROJECT DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?**

**Less-than-Significant Impact.** The Project site has not been previously used as a cemetery and has been highly disturbed through the various past uses that are described previously. However, similar to other areas of coastal Los Angeles County, there is potential for previously unknown buried archaeological resources, which may include human remains, to occur onsite. Nevertheless, human remains are not anticipated to be uncovered during Proposed Project construction. In addition, California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are discovered, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Compliance with existing law would ensure that significant impacts to human remains would not occur. Therefore, impacts from development of the Proposed Project on human remains would be less than significant.

### 5.4.7 CUMULATIVE IMPACTS

**Historical Resources:** The Proposed Project's contribution to cumulative impacts to historical resources was analyzed in context with past, present, and probable future projects in the Port of Los Angeles and City of Los Angeles, as included in Table 5-1 in Section 5, *Environmental Impact Analysis*, of this Draft EIR, that were once similarly influenced by the marine and port activities within the area. As detailed previously, the Project site does not contain any historical resources, and the Proposed Project would not result in potentially adverse change in the significance of any historical resources. As no resources exist and none would be impacted, the Proposed Project would also not have the potential to cumulatively contribute to a potential adverse impact. Therefore, cumulative impacts related to historical resources would not occur.

**Archaeological Resources:** The Proposed Project's impact to prehistoric and historic archaeological resources was analyzed in the context of the Port of Los Angeles, based on past and future development as planned by the PMP, which is identified as sensitive for archaeological resources due to the past uses of the Port region. Construction activities including excavation within the Project site – as with other development projects in the region – may uncover subsurface prehistoric archaeological resource that meet the CCR § 15064.5 definition. However, mitigation has been included to reduce the potential of the Proposed Project to contribute to a significant cumulative impact to archaeological resources. With compliance with project-specific mitigation, impacts would not be cumulatively considerable.

**Disturbance of Human Remains:** Mandatory compliance with the provisions of California Health and Safety Code § 7050.5, Public Resources Code § 5097 et seq., and State CEQA Guidelines Section 15064.5 would assure that the Proposed Project, in addition to all development projects, treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices. As such, impacts to human remains would not be cumulative considerable.

### 5.4.8 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

The following impacts would be **less than significant**:

- Impact CUL-1: Implementation of development of the Project may impact a historical resource.
- Impact CUL-3: Implementation of the Project may disturb human remains.

Without mitigation, the following impacts would be **potentially significant**:

- Impact CUL-2: Earth-moving construction activities could impact archaeological resources.

### 5.4.9 MITIGATION MEASURES

**Mitigation Measure CUL-1: Cultural Resources Monitoring Plan.** Prior to the issuance of a grading permit, a Cultural Resources Monitoring Plan shall be prepared by a qualified archaeologist and reviewed and approved by the City of Los Angeles Planning Department. This plan shall include, but not be limited to, the following actions:

- Prior to issuance of a grading permit, the Applicant shall provide written verification to the City of Los Angeles Planning Department in the form of a letter from the qualified archaeologist to the lead agency stating that a qualified archaeologist has been retained to implement the monitoring program.
- The certified archaeologist shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- During ground disturbing activity of previously undisturbed deposits, the archaeological monitor(s) shall be on-site, to perform full-time inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The qualified archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated.
- Isolates and clearly non-significant deposits will be minimally documented in the field and collected, as determined by the qualified archaeologist, so the monitored grading can proceed.
- In the event that previously unidentified intact cultural resources are discovered, the qualified archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of the discovery to allow for the evaluation of potentially significant cultural resources. The qualified archaeologist shall contact the lead agency at the time of discovery. The qualified archaeologist, in consultation with the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the qualified archaeologist and approved by the lead agency before being carried out using professional archaeological methods. If any human bones are discovered, the county coroner and lead agency shall be contacted. In the event that the remains are determined to be of Native American origin, the most likely descendant, as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains.
- In the event of an unanticipated discovery, before construction activities are allowed to resume in the affected area, the artifacts shall be recovered, and features recorded using professional archaeological methods. The qualified archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.

- A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation Primary and Archaeological Site Forms.
- A monitoring report shall be prepared by the qualified archaeologist upon completion of grading and submitted prior to the issuance of any building permit(s).

### 5.4.10 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of Mitigation Measures CUL-1 and compliance with regulatory requirements, Proposed Project impacts to cultural resources would be less than significant.

### 5.4.11 REFERENCES

- Brian F. Smith and Associates, Inc. (BFSA). (2023a). *A Phase I and Phase II Cultural Resources Assessment for the Port of Los Angeles Truck Lot Project*. **(EIR Appendix D)**
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- City of Los Angeles. (n.d.). *City of Los Angeles Municipal Code*. Retrieved August 23, 2023, from [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-107363](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-107363)
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