

3.10. TRIBAL CULTURAL RESOURCES

The following summarizes the applicable regulations and the existing setting and provides a detailed impact assessment related to Tribal Cultural Resources. Refer to the Archaeological and Tribal Cultural Resources Technical Report (Appendix E) for additional details related to applicable regulations and the existing setting.

3.10.1 Regulatory Framework

3.10.1.1 Federal Regulations

There are no federal laws relevant to the Proposed Project and CEQA.

3.10.1.2 State Regulations

AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment” and that tribal cultural resources must be considered under CEQA. AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with the Project Area, including tribes that may not be federally recognized, prior to the release of notice of intent to adopt a negative declaration or mitigated negative declaration or notice of preparation of an environmental impact report. Furthermore, it provides examples of mitigation measures that may be considered to mitigate an impact to a tribal cultural resource.

3.10.1.3 Local Regulations

The Cities of Los Angeles, Burbank, Glendale, and Pasadena along with the County of Los Angeles have plans that support conservation of Tribal Cultural Resources. The goals and policies support the identification, evaluation, and mitigation of impacts to archaeological resources.

City of Los Angeles

The Conservation Element of the City of Los Angeles General Plan contains goals and policies in regard to the identification, evaluation, and mitigation of impacts to archaeological resources. The primary relevant objective is to protect the City’s archaeological and paleontological resources for historical, cultural, research, and/or educational purposes.

City of Burbank

The Open Space and Conservation Element of the City of Burbank’s General Plan contains resource management goals and policies. The primary relevant policy is to recognize and maintain cultural, historical, archeological, and paleontological structures and sites essential for community life and identity.

City of Glendale

The Historic Preservation Element of the City of Glendale's General Plan contains resource management goals and policies. The primary relevant goal is to preserve historic resources in Glendale which define community character.

City of Pasadena

The City of Pasadena's General Plan specifies guidelines toward the treatment of cultural and historic buildings, landscapes, streets and districts in the Land Use Element. The primary relevant objective is for the preservation and enhancement of Pasadena's cultural and historic buildings, landscapes, streets and districts as valued assets and important representations of its past and a source of community identity, and social, ecological, and economic vitality.

3.10.2. Existing Setting

The Project Area is situated on lands that were once inhabited by the Gabrieleno (also known as the Tongva) and to the south of lands that were once inhabited by the Tataviam. A typical Gabrieleno settlement would have had a variety of structures used for daily living, recreation, and rituals. Sweathouses, cemeteries, and clearings for dancing and ceremonies were also common in larger settlements (McCawley 1996:32–33). The Gabrieleno had many forms of cultural materials, including beads, baskets, bone and stone tools and weapons, shell ornaments, wooden bowls and paddles, and steatite ornament and cooking vessels. These items were also traded frequently, particularly with the neighboring Chumash and Serrano, in exchange for Olivella shell beads, acorns, seeds, deerskins, and obsidian (Bean and Smith 1978:547). The Tataviam lived primarily in the area along the upper Santa Clara River drainage and the Transverse Range in the Tejon Pass area. Ethnographic evidence indicates that the Tataviam resided in villages ranging in size from 10 to 15 to as many as 200 people. The culture is largely enigmatic because of their small size and few Tataviam people surviving into the early twentieth century. There are no data on Tataviam social organization that differentiates them from the neighboring Kitanemuk, Chumash, and Gabrieleño-Tongva cultural groups (Johnson and Earle 1990; King and Blackburn 1978).

The potential for the presence of existing tribal cultural resources on the Project Site was identified through a records search completed with the South Central California Information Center (SCCIC), a field investigation, and consultation with Native American groups conducted pursuant to AB 52. The findings are summarized below; refer to the Archaeological and Tribal Cultural Resources Technical Report in Appendix E for additional details.

The SCCIC records search was conducted in July 2019 and February 2020 to identify previously recorded cultural resources within the Project Area and within a 0.25-mile radius. The records search indicated that 271 previously recorded resources are located within the 0.25-mile radius, none of which are archaeological resources. No pre-historic or historic-age archaeological resources have been previously recorded within the Project Area.

The Project Area consists of existing roadways and developed parcels. A windshield survey was completed in September 2019, consisting of driving the entire alignment and options and documenting current conditions. The windshield survey and a review of historic and current aerial photographs and maps has indicated that no exposed native ground surface is present. Because there are no areas of exposed native ground surface, pedestrian survey was not warranted. No prehistoric or historic-age archaeological resources were observed during the survey.

In compliance with AB 52, Metro is conducting consultation with Native American Tribes. To initiate the identification of tribal cultural resources that could be affected by the Proposed Project, a search of the Sacred Lands File (SLF) from the Native American Heritage Commission (NAHC) was requested on March 4, 2019. The NAHC responded on June 10, 2019 and reported the search of the SLF revealed positive results for the relevant United States Geological Survey quadrangles. No additional information on the location or nature of the positive finding was provided; however, the NAHC recommended that Metro contact the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation) for more information. Notification letters were sent on July 3, 2019, by Metro to eight tribes or tribal representatives based on the list provided by the NAHC with an invitation to consult under AB 52. Follow-up emails were sent April 24, 2020, and phone calls were made May 19, 2020. Four responses have been received to date. These include Mr. Andrew Salas of the Kizh Nation, Mr. Jairo Avila of the Fernandeno Tataviam, Mr. Robert Dorame of the Gabrielino Tongva Indians of California Tribal Council, and Mr. Anthony Morales of the Gabrieleno/Tongva San Gabriel Band of Mission Indians.

During consultation discussions regarding the positive NAHC results, Mr. Andrew Salas of the Kizh Nation explained that the Project alignment followed a corridor of trade routes and villages heavily utilized by Native Americans and was considered highly sensitive for cultural materials by the Kizh Nation. After an explanation of the types of excavation activities associated with the Proposed Project, however, Mr. Salas stated he was not concerned about archaeological or tribal cultural resources being impacted. Mr. Jairo Avila of the Fernandeno Tataviam expressed concern with the location of ground disturbance, particularly within Glendale and the area to the north. Mr. Dorame stated that he would review previously sent documents. Mr. Morales explained that the area along the alignment was sensitive to the Gabrieleno/Tongva San Gabriel Band of Mission Indians and recommended Native American monitoring. AB 52 consultation is ongoing and has yet to identify any Tribal Cultural Resources impacts that would occur as a result of implementing the Proposed Project.

3.10.3 Significance Thresholds and Methodology

3.10.3.1 Significance Thresholds

In accordance with Appendix G of the State CEQA Guidelines, 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, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); and/or
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

3.10.3.2 Methodology

Archaeological sites are usually adversely affected only by physical destruction or damage. The CEQA Guidelines contain specific standards for determining the significance of impacts to archaeological sites (PRC Section 21083.2; 14 CCR Section 15064.5(c)). If the lead agency determines that the Project may have a significant effect on unique archaeological resources, the EIR must address those archaeological resources (PRC Section 21083.2(a)).

The analysis of archaeological resources was based on a cultural resource records search and literature review at the SCCIC, a SLF file search, windshield survey, and AB 52 consultation results. No archaeological resources were identified within the alignment and options as a result of those efforts. It is possible that buried archaeological resources exist within native, undisturbed sediments, if any are present in the alignment. Therefore, this analysis examines the possibility of encountering unrecorded Tribal Cultural Resources during construction.

3.10.4 Impact Analysis

This section includes the impact analysis, mitigation measures (if necessary), and significance after mitigation (if applicable). The potential for the Proposed Project to result in an impact to Tribal Cultural Resources is independent of the specific alignment and components. The following impact conclusions are valid for the Proposed Project and all route variations, treatments, and configurations. This is because the precise location of tribal cultural resources is unknown and could occur along any portion of the alignment and options.

Impact 3.10-1) Would the Proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

The following impact conclusions are valid for the Proposed Project and all route variations, treatments, and configurations that are on surface streets. There would no potential for a Tribal Cultural Resources impact on SR-134 segments, which includes B, E3, G1, and the portions of F1, F2, and F3 on the SR-134 in the City of Los Angeles.

Construction

Less-Than-Significant Impact with Mitigation. The Kizh Nation, Fernandeno Tataviam, and Gabrieleno/Tongva San Gabriel Band of Mission Indians tribal representatives identified areas of high sensitivity within the Project Area; however, no known tribal cultural resources have been identified through the AB 52 consultation process. As discussed in Section 3.5, Cultural Resources, numerous resources were identified that are listed or eligible for listing in the California Register of Historical Resources and various local registers. However, none of the identified resources are tribal cultural resources as they are all associated with development that occurred following the arrival of European descendants to the region, which was generally built between 1880 and 1940.

The Proposed Project is located within an urbanized area and has been subject to disruption by development activities. As a result of previous development activities, surficial archaeological resources and any above-ground tribal cultural resources that may have existed have likely been displaced or destroyed. There is, however, the possibility that ground-disturbing activities could impact previously undiscovered buried tribal cultural resources of historical significance. Therefore, without mitigation, construction of the Proposed Project would result in a potentially significant impact related to Tribal Cultural Resources. With Implementation of Mitigation Measure **CUL-2**, set forth in Section 3.5, Cultural Resources of this Draft EIR, the Proposed Project's construction-related impact to Tribal Cultural resources would be reduced to less than significant.

Operations

No Impact. The surface-running BRT would have no potential to disturb tribal cultural resources. Therefore, the Proposed Project would not result in a significant impact related to operational activities.

Mitigation Measures

Refer to Mitigation Measure **CUL-2** in Section 3.5, Cultural Resources of the Draft EIR.

Significance of Impacts after Mitigation

Mitigation Measure **CUL-2** would mitigate inadvertent impacts to potential historic Tribal Cultural Resources. It requires a Qualified Archeologist, meeting the Secretary of the Interior's Standards for professional archaeology and tribal cultural resources, to be retained and remain on call during all ground-disturbing activities. Mitigation Measure **CUL-2** also established a treatment plan following the discovery of tribal cultural resources. Therefore, with mitigation, the Proposed Project would result in a less-than-significant impact related to construction activities.

Impact 3.10-2) Would the Proposed Project cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No prehistoric archaeological resources or tribal cultural resources have been recorded within the Project Area or a 0.25-mile radius. The NAHC reported the search of the SLF revealed positive results for the relevant United States Geological Survey quadrangles. No additional information on the location or nature of the positive finding was provided; however, the NAHC recommended contacting the Kizh Nation for more information. Notification letters were sent to eight tribes or tribal representatives, including the Kizh Nation, with an invitation to consult under AB 52. Follow-up emails were sent April 24, 2020, and phone calls were made May 19, 2020. Four responses have been received to date. These include Mr. Andrew Salas of the Kizh Nation, Mr. Jairo Avila of the Fernandeno Tataviam, Mr. Robert Dorame of the Gabrielino Tongva Indians of California Tribal Council, and Mr. Anthony Morales of the Gabrieleno/Tongva San Gabriel Band of Mission Indians. AB 52 consultation is ongoing and has yet to identify any Tribal Cultural Resources impacts that would occur as a result of implementing the Proposed Project.

The following impact conclusions are valid for the Proposed Project and all route variations, treatments, and configurations that are on surface streets. There would no potential for a Tribal Cultural Resources impact on SR-134 segments, which includes B, E3, G1, and the portions of F1, F2, and F3 on the SR-134 in the City of Los Angeles.

Construction

Less-Than-Significant Impact with Mitigation. The Proposed Project is located within a fully built-out, urbanized area. As a result of previous development activities, surficial archaeological resources that may have existed have likely been displaced or destroyed. There is, however, the possibility that ground-disturbing activities could impact previously undiscovered prehistoric archaeological or buried tribal cultural resources. Construction activities associated with the establishment of dedicated bus lanes would be limited to minor roadway construction or widening. Excavation activities would be limited to two to three feet below ground surface, within soils previously impacted during initial road and sidewalk construction.

Construction activities associated with station platforms include the placement and relocation of vertical elements. Element placement activities include shelters, seating, monument signs, electronic displays and bicycle racks. Excavation associated with these vertical elements will be limited to two to three feet below ground surface, within soils previously impacted during initial road and sidewalk construction. Vertical element relocation activities, such as trees, signs, parking meters and streetlights, may extend to a depth of 12 feet below ground surface, below the currently disturbed soils. There is the possibility that previously undiscovered and undocumented resources could be adversely affected or otherwise altered by ground disturbing activities during construction. Therefore, without mitigation, construction of the Proposed Project could result in a potentially significant impact related to Tribal Cultural Resources. With implementation of Mitigation Measure CUL-2, set forth in Section 3.5, Cultural Resources, of this EIR, this potential impact would be reduced to less than significant.

Operations

No Impact. The surface-running BRT would have no potential to disturb tribal cultural resources. Therefore, the Proposed Project would not result in a significant impact related to operational activities.

Mitigation Measures

Refer to Mitigation Measure **CUL-2** in Section 3.5, Cultural Resources of the Draft EIR.

Significance of Impacts after Mitigation

Mitigation Measure **CUL-2** would mitigate inadvertent impacts to potential subsurface archaeological deposits during construction activities. It requires a Qualified Archeologist, meeting the Secretary of the Interior's Standards for professional archaeology, to be retained and remain on call during all ground-disturbing activities. Mitigation Measure **CUL-2** also established a treatment plan following the discovery of tribal cultural resources. Therefore, with mitigation, the Proposed Project would result in a less-than-significant impact related to construction activities.