3.17 Tribal Cultural Resources

This section addresses potential impacts to tribal cultural resources. The analysis of tribal cultural resources provided in this section is based on a Sacred Lands File (SLF) search conducted by the California Native American Heritage Commission (NAHC), project notification letters submitted by the City to Native American individuals and organizations, and follow-up Native American consultations pursuant to Assembly Bill (AB) 52. The findings of these studies are presented in the Archaeological Resources Technical Report, which is provided in confidential Appendix E, of this Draft EIR.

Tribal cultural resources are defined by the California Public Resources Code (PRC) Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria. The Project includes the following Project Design Features: PDF-CR-1: Archaeological Resource Discovery During Construction, and PDF-CR-2: Human Remains Discovery During Construction. Impacts to tribal cultural resources are less than significant with implementation of Mitigation Measure TCR-1: Native American Monitoring.

3.17.1 Environmental Setting

Ethnographic Setting

The Project Site is located in a region traditionally occupied by one Native American group; the Gabrielino (including the Tongva and Kizh). The terms Tongva, Kizh are preferred by many descendant groups over the Spanish words that have historically been used to describe them. The group is described below.

The main sources of historical information on the Gabrielino (Tongva and Kizh) include Hugo Reid (see Heizer 1968), Zephyrin Engelhardt, Alfred Kroeber, John P. Harrington, Bernice E. Johnston, Thomas C. Blackburn, and C. Hart Merriam. In 1978, the Smithsonian Institution compiled the Handbook of North American Indians – a 20-volume encyclopedia summarizing the work of previous ethnographers and what was known about the prehistory, history, and culture of indigenous North American groups. Volume 8: California serves as the primary source material for the information presented in this section. Where possible, this information has been supplemented with information gleaned from other published sources (such as McCawley 1996, and O’Neil and Evans 1980). The following summaries are not intended to provide a comprehensive account of these groups, but are instead brief historical overviews based on available information. However, tribes are the authority on their cultural history.

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1 A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
It should be noted that the information presented herein is related to living tribes who still reside in Los Angeles and Orange counties and who maintain a vested interest in their history, culture, practices, customs, and beliefs. Currently, there are five Gabrielino (Tongva and Kizh) groups that are recognized by the State as California Native American Tribes (as indicated by the California Native American Heritage Commission [NAHC]): Gabrieleño Band of Mission Indians – Kizh Nation; Gabrieleno Tongva Indians of California Tribal Council; Gabrieleno-Tongva San Gabriel Band of Mission Indians; Gabrieleno-Tongva Tribe; Gabrieleno-Tongva Nation. These tribes are living communities who actively participate in the preservation of their culture and tribal resources.

**Gabrielino (or Tongva and Kizh)**

The term “Gabrielino” is a general term that refers to those Native Americans who were sent by the Spanish to the Mission San Gabriel Arcángel. The term first appears, spelled Gabrieleños, in an 1876 report by Oscar Loew (Bean and Smith 1978). Two indigenous terms are commonly used by tribal groups to refer to themselves and are preferred by descendant groups: Tongva and Kizh. The term Tongva was recorded by ethnographer C. Hart Merriam in 1903 (Heizer 1968). The term Kizh was first published by ethnologist Horatio Hale in 1846 (Heizer 1968). Since there are two terms that are used by different groups to refer to themselves, the term Gabrielino is used in this section to encompass both Tongva and Kizh groups.

Prior to European colonization, the Gabrielino occupied a diverse area that included the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina (Bean and Smith 1978). Their neighbors included the Chumash and Tataviam to the north, the Juaneño to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence (Bean and Smith 1978). The Gabrielino language was part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino Indians were hunter-gatherers and lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game was hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison (Bean and Smith 1978). The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay or holly-leaved cherry. Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period (Kroeber 1925).

The Late Prehistoric period, spanning from approximately 1,500 years B.P. to the mission era, is the period associated with the florescence of the Gabrielino (Wallace 1955). Coming ashore near Malibu Lagoon or Mugu Lagoon in October of 1542, Juan Rodriguez Cabrillo was the first European to make contact with the Gabrielino Indians.
Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period (Kroeber 1925). Villages are reported to have been the most abundant in the San Fernando Valley, the Glendale Narrows area north of downtown, and around the Los Angeles River’s coastal outlets (Gumprecht 2001). Gabrielino villages are reported by early explorers to have been most abundant near the Los Angeles River, in the area north of downtown, known as the Glendale Narrows, and those areas along the river’s various outlets into the sea. Among those villages north of downtown are Maawngna in the Glendale Narrows; Totongna and Kawengna, in the San Fernando Valley; Hahamongna, northeast of Glendale; and the village of Yangna, in the vicinity of present-day downtown Los Angeles. The closest village to the Project Site would have been Yangna, located approximately 3.10 miles southeast.

The exact location of Yangna, within downtown Los Angeles continues to be debated, although some believe it to have been located at the present-day location of the Civic Center (McCawley 1996). Other proposed locations are near the present day Union Station (Chartkoff and Chartkoff 1972:64), to the south of the old Spanish Plaza, and near the original site of the Bella Union Hotel located on the 300 Block of North Main Street (Robinson 1963:83, as cited in Dillon 1994:30). Dillon (1994:30) hypothesizes that the Union Station location is an unlikely spot for a large village or habitation, as it lies within the annual Los Angeles River flood zone. Local sources such as the Echo Park Historical Society, report that when Gaspar de Portola and Father Juan Crespi camped on the river bank opposite the North Broadway Bridge entrance to Elysian Park, they were served refreshments by Yangna Indian villagers from the current location of the Los Angeles Police Academy (Echo Park Historical Society 2008). The Los Angeles Police Academy is located in the northern portion of Elysian Park, which appears an unlikely location for the Native American Village of Yangna because this location is more consistent with the location of the village of Maawngna, which was reported to have been originally located within the Rancho de los Feliz. This rancho originally encompassed Griffith Park and extended south to the northern portion of Elysian Park. The village of Maawngna, also recorded as Maungna, is believed to have been located “high on a bluff overlooking Glendale Narrows in the hills now occupied by Elysian Park” (Gumprecht 2001:31).

A third community or village, named Geveronga, may have been located in the vicinity of the current downtown Los Angeles’ city center, reported in the San Gabriel baptismal records as located “in the rancheria adjoining the Pueblo of Los Angeles” (McCawley 1996:57).

**Archival Research Summary**

The records search results indicate that 29 cultural resources studies have been conducted within a 0.50-mile radius of the Project site and 6 of which are located within the Project site. The entire Project site has been included in previous cultural resources assessments. The six reports overlapping the Project site are: one (LA-02099) overlaps the west boundary; one LA-08254 intersects the northwest corner; one LA-12800 is on the west portion boundary, LA-05353 overlaps the eastern boundary, LA-09200 is located at the south end, and one (LA-13249) overlaps the south, west and east portions. Studies relevant to the current Project site (LA-2099 and LA-13249) and study area are described in further detail below. One study entitled, *Extent of Zanja Madre* (LA-13239) which includes maps depicting that a segment of the Zanja is located
0.10-mile from the Project site. The accompanying map to the record provided includes the entire Zanja conduit system in addition to the Zanja Madre. The segment close to the Project site is Canal and Reservoir Ditch. The map that this record is based on is from the 1880’s and not completely accurate. Additional map research was conducted in order to see if additional mapping could be found to correct any inaccuracies but was not publically available.

The SCCIC search identified 15 cultural resources within 0.50-mile of the Project site. These included the Project site (Silver Lake Reservoir Complex Historic District; P-19-192627; 3CD; designated LAHCM). For the purposes of this historic report, ESA only included those located within 0.25-mile of the Project site. There were four resources within 0.25-mile of the Project site. All four were also identified by SurveyLA and two were also recorded in the BERD. No prehistoric resources have been recorded within the Project site or within the 0.50-mile radius.

Geologic Map Review

The proposed Project falls within the greater Los Angeles Basin, a structural depression approximately 50 miles long and 20 miles wide in the northernmost Peninsular Ranges geomorphic province (Ingersoll and Rumelhart 1999). This basin can be broken down into subbasins that share a similar geological history (Yerkes et al. 1965; Sylvester and O’Black 2016). Each of these basins primarily formed from the migration of the San Andreas Fault Zone northward during the late Miocene (Irwin 1990; Powell and Weldon 1992; Critelli et al. 1995). Mountain ranges such as the Transverse Ranges bound these basins and are composed of older, uplifted rocks. As the various mountain ranges were folded and thrust upward, they eroded forming dissected surfaces and filling the intervening basins with thick piles of alluvium (Yerkes et al. 1965). While sediments dating back to the Cretaceous (66 million years ago) are preserved in the basin, continuous sedimentation began in the middle Miocene (around 13 million years ago) (Yerkes et al. 1965). Since that time, sediments have been eroded into the basin from the surrounding highlands, resulting in thousands of feet of accumulation. Most of these sediments are marine, until sea level dropped during the Pleistocene and deposition of the alluvial sediments that compose the uppermost units in the Los Angeles Basin began.

The Project, specifically, lies in a valley within Yerkes and others’ (1965) ‘Northeastern block’ dissected into uplifted Miocene-age marine sediments. The bedrock formed in deep marine conditions and comprises mostly fine-grained shale that is well-cemented (Yerkes and Graham, 1997). Dibblee and Ehrenspeck (1991) refer to these sediments as the sandstone member of the Monterey Formation (Tmss). Earlier geologists ascribed these units to the Puente Formation (Lamar 1970; Yerkes et al. 1977; Weber 1980) or the Modelo Formation (Hoots 1931 and Durrell 1954). The uplift occurred in the Pliocene or Pleistocene and the eroded valleys became the site of deposition of Quaternary-age alluvium (Dibblee and Ehrenspeck 1991). The current Silver Lake Reservoir is entirely surrounded by alluvium though the proposed Project does impact the surrounding bedrock hills of the Puente Formation, dating to the Neogene or Upper Tertiary geological period that began 2.5 million years ago in the northeastern corner.
Aerial Photo, Topographic Map, and As-Built Review

ESA reviewed GPA’s 2019 report "Silver Lake Reservoir Complex Master Plan: Research & Analysis Historical Resources Report," which included a chronological table indicating construction dates and alteration history of the SLRC. In 2020, GPA Consulting also created a narrative form of this construction chronology in a memorandum. ESA has compiled and summarized the most salient parts of this narrative from both the 2020 memorandum and the 2019 report below. In addition to this summarization, ESA reviewed historic geotechnical reports and as-builts as well to understand the nature of fill materials from previous construction within the Project.

The Silver Lake and Ivahoe Reservoir Complex (complex) is situated in the Silver Lake-Echo Park-Elysian Valley Community Plan area. The complex encompasses approximately 127 acres and is made up of the Silver Lake and Ivahoe Reservoirs, three dams, ancillary buildings and structures associated with LADWP’s maintenance and operation, as well as landscape features such as stone and concrete retaining walls, trees, and shrub (GPA 2019).

The Ivahoe Reservoir, which is trapezoidal in shape with rounded corners, and features sloped concrete embankments, is situated to the north of the Silver Lake Reservoir and covers approximately 7.84 acres. The Ivahoe Dam and a reinforced concrete spillway separate the Silver Lake Reservoir from the Ivahoe Reservoir. The Silver Lake Reservoir, which is irregularly shaped, and features sloped embankments covered in an asphaltic cement paving, encompasses approximately 78.2 acres. The Silver Lake Dam is a reinforced earthen dam, located south of the Silver Lake Reservoir (GPA 2019). The Ivahoe and Silver Lake reservoirs were designed and constructed by William Mullholland, the former Los Angeles Department of Water Superintendent in 1906 and 1907.

In 1903, the City of Los Angeles acquired the land on which the SLRC is now located. Prior to this acquisition, the land was marshy swampland. Originally proposed in 1903, both reservoirs were planned to hold one billion gallons of extra water collected during wet months. Excavation for the Ivahoe Reservoir began in November of 1905 and completed in May 1906. Work at Silver Lake Reservoir began in August of 1906 using an innovative hydraulic sluicing technique (GPA, 2019). In its early years, the Silver Lake Reservoir was utilized as a source of water for irrigation. The Ivahoe Reservoir functioned as a source of domestic drinking water. The complex has experienced many alterations over the years to better serve its function and the community.

In 1911, the Water Department built a wooden roof over the newly constructed Ivahoe Reservoir to decrease evaporation; however, it was removed in 1938 due to health and maintenance reasons. Major alterations occurred to the Complex in 1920, when the reservoirs were altered so that both the Ivahoe Reservoir and the Silver Lake Reservoir could be used for domestic water supply. To accommodate this change, the embankments of the Silver Lake Reservoir were altered to have a steeper slope and consequently increase the depth of the reservoir. Parts of the embankments were also covered in a paving material. In 1922, fences were placed around the reservoirs to keep out violators attempting to go fishing, bathing, boating and hunting. A diversion ditch (which
received drainage from the surrounding hills) was also constructed in the same year around Silver Lake Reservoir.

A 1942 Topographic Map of the Silver Lake & Ivanhoe Reservoirs shows the Ivanhoe reservoir and Silver Lake Reservoir which shows the steeper banks described in the 1920’s as well as conduits, the bypasses and outlets between the reservoirs, and the caretakers house and sluice gates on the eastern shore near the divider dam between the two reservoirs. The Meadow appears to be sloped up in the center to an elevation of 500 feet above sea level (asl) and the area that is now the Meadow was still part of the reservoir with an elevation of 430-450 feet asl which was known as East Cove. By 1944, the new River Supply Conduit (composed of 41,260 feet of reinforced concrete pipe) was built to deliver aqueduct water from the North Hollywood Pumping Plant to the Silver Lake Reservoir. In 1945, the reservoirs were drained, the Ivanhoe Inlet Tower was constructed, and the earth-filled dams improved.

Between 1950 and 1953, major improvements were undertaken at both reservoirs, including draining, regrading, resurfacing. Additionally, the dams were raised by two feet, a 60-inch bypass pipeline was placed on the bottom of the reservoirs, a new 66-inch outlet line was constructed from the Silver Lake dam south and along West Silver Lake Drive, and a portion of Silver Lake Reservoir was filled in. Both reservoirs were refilled and were back in service by December of 1953. These renovations included a significant alteration to the Silver Lake Reservoir: a lagoon known as the East Cove on the eastern shoreline was filled in, constructing the area now referred to as “the Meadow.” Ivanhoe was also deepened and basin embankments paved with asphalt as visible in the aerial photo from 1952 (GPA 2019). The Final Engineering Report of the 1950-1951 Improvements for the Silver Lake Reservoir (LADWP) indicated that the filling of East Cove was completed by constructing a rolled fill dike across the bay and filling in behind it with mud and loose earth from the reservoir bottom and slopes. Photos from this report show considerable and likely complete disturbance to the reservoir and for excavation of the outlet tower and other large infrastructure such as pipelines placed within the reservoirs. Many of the excavations appear to be down to bedrock and were into the Puente Formation sandstone. Areas outside the reservoir footprint and away from the fill areas such as the Meadows appear to have had less disturbance.

In the 1970s, the SLRC underwent additional changes that included the reconstruction of the Silver Lake Dam due to seismic issues (1975 – 1976). A 1970 geological map of the vicinity of the reservoirs (C-1709-G-2, DWP Water and Engineering Design Division) shows that the divider dam between the reservoirs is fill with fill on the west side and east side of the northern half. There is also fill at the southern end of Silver Lake Reservoir. Most of the area surrounding the lake is developed but the area north of the Meadows is quaternary alluvium at the lower elevations and Puente Formation sandstone (Tpss) at the higher peaked elevation. The 1970 map shows East Cove still as water although that area had been filled in the 1950’s. A second geological map from 1973 shows similar areas of quaternary alluvium on the eastern shore of the Ivanhoe Reservoir with the same outcrop of Tpss but shows the area of fill where the Meadows has been filled in. There is additional infrastructure shown within Silver Lake Reservoir as well. Reconstruction of the Silver Lake Dam during this time consisted of the material from the old dam being removed to bedrock and then reconditioned and compacted into a new embankment.
589,000 cubic yards of material was used from the old dam and 719,300 cubic yards were ultimately placed, the difference was excavated from the reservoir bottom. The Silver Lake outlet tower was also renovated at this time and a 72-inch bypass pipe was installed. Additionally, the southeastern corner of the Silver Lake Reservoir was infilled with the dirt, reclaiming a small portion of land and reshaping the reservoir into its current configuration. These changes are evident from 1976 and 1977 respectively, when the reservoir was drained, and 1977, when this work was complete.

In 2008, the SLRC was taken out of service due to high levels of toxic contamination and they were drained and refilled. The reservoirs were drained again in 2016 to construct a bypass project and were refilled in 2017. The Ivanhoe Reservoir was removed from the distribution system in 2017 (GPA 2019).

Identification of Tribal Cultural Resources

Sacred Lands File Search

The NAHC maintains a confidential SLF database which contains resources of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on October 7, 2021 to request a search of the SLF. The NAHC responded to the request in a letter dated November 19, 2021 indicating that the results were positive. The response letter did not provide details on resources within the Project site, but suggested contacting the Gabrieleño Band of Mission Indians – Kizh Nation. The NAHC also provided a list of other Native American tribes to contact as they may have knowledge of cultural resources within the Project site. The Zanja System is recorded on the Sacred Land File as portions of the system were built and utilized by Native Americans living in Los Angeles while the system was in use and this is a possible reason for the positive findings. The City is conducting consultation with appropriate tribes per AB 52 requirements, as well as conducting outreach to the Kizh Nation regarding the positive finding.

Assembly Bill 52 Tribal Consultation

In compliance with the requirements of AB 52, the City of Los Angeles Bureau of Engineering provided formal notification of the Project via certified mail to Native American groups that are listed on the City’s AB 52 contact list, on December 13, 2021. A summary is provided below in Table 3.17-1. The letters included a description of the proposed Project, the Project location, and a notification of the type of consultation being initiated. The City received a response from the Gabrielino Tongva Indians of California Tribal Council (Christina Conley, Cultural Resource Administrator). The other Native American groups contacted by the City have not responded.

In an email dated February 22, 2022, Christina Conley, Cultural Resource Administrator of the Gabrielino Tongva Indians of California Tribal Council (Tribe), initiated AB 52 consultation in response to the City’s notification. Ms. Conley indicated that the tribe sees the Project will be a positive addition to the community. In addition, she noted that the area is within the Maawnga village site and is considered to be culturally sensitive. In addition, Ms. Conley provided the Tribe’s cultural resource monitoring recommendations, recovery and reburial procedures,
3. Environmental Setting, Impact Analysis, and Mitigation Measures

3.17 Tribal Cultural Resources

Although the Kizh Tribe initially did not indicate to the City they wished to engage in AB 52 consultation, the City reached out to them informally in an effort to gather more information on resources within or in the vicinity of the Project Site, regarding the positive SLF result. The City met with the Kizh on May 31, 2022 and provided additional information on Project disturbance as a result of these conversations on July 13, 2022. The Kizh Tribe requested additional time to consult and a meeting was held on August 23, 2022 to further discuss approaches to cultural resource monitoring. Based on this consultation, the City revised the mitigation to include both tribes to be present on-site for monitoring within the specific areas of the Project Site that require monitoring and recirculated the mitigation measures and a close out letter to both Tribes on September 19, 2022.

3.17.2 Regulatory Framework

State

Assembly Bill 52

AB 52 was signed by California State Governor Brown on September 25, 2014. AB 52 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a Notice of
3. Environmental Setting, Impact Analysis, and Mitigation Measures

3.17 Tribal Cultural Resources

Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration (ND) or Mitigated Negative Declaration (MND) will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under the California Environmental Quality Act (CEQA), known as tribal cultural resources. PRC Sections 21074(a)(1) and 21074(a)(2) define tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. Further, as stated under PRC Section 21074(b), “a cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.” On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources provided in Appendix G of the CEQA Guidelines, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1[b]). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation (PRC Sections 21080.3.1[d] and 21080.3.1[e]).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2[b]).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND (PRC Section 21082.3[d][2] and [3]).

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe to the lead agency in response to a request for consultation is considered confidential and shall be released only to other entities and individuals involved in the preparation of the EIR, MND, or EIR and MND, and to the California Native American tribe (PRC Section 21082.3[c]).
American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

Confidentiality does not, however, apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the project applicant or the project applicant’s agents, or are lawfully obtained by the project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency (PRC Section 21082.3(c)(2)(B).

### 3.17.3 Significance Thresholds and Criteria

The significance criteria used to evaluate the proposed Project impacts to tribal cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, the proposed Project would have a significant impact if it would:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). (Refer to Impact 3.17-1)
  - 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. (Refer to Impact 3.17-2)

The 2006 L.A. CEQA Thresholds Guide does not include thresholds of significance pertaining to tribal cultural resources.

### Methodology

Under CEQA, the evaluation of impacts to tribal cultural resources consists of two-parts: (1) identification of tribal cultural resources within the project site or immediate vicinity through AB 52 consultation, as well as a review of pertinent academic and ethnographic literature for information pertaining to past Native American use of the project area, SLF search, and SCCIC records review; and (2) a determination of whether the project may result in a “substantial adverse change” in the significance of any identified resources.
3.17.4 Project Design Features

The Project includes the implementation of PDF-CR-1 and PDF-CR-2 as included in Section 3.5, Cultural Resources.

3.17.5 Impacts and Mitigation Measures

**Tribal Cultural Resource**

**Impact 3.17-1:** Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) 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), or

ii) 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.

**Construction / Operation**

The City submitted request to consult letters to nine Native American individuals and organizations on the City’s AB 52 Notification List on December 13, 2021 as part of the AB 52 Tribal consultation effort. As determined through the City’s consultation with Native American Tribes who requested consultation, no known Tribal cultural resources have been identified within the Project Site.

As discussed in the Setting section above, consultation between the City and the Gabrielino Tongva Indians of California Tribal Council has been completed. Consultation with the Gabrieleno Band of Mission Indians-Kizh Nation has also been completed. **Mitigation Measure TCR-1** was revised after consultation and the consultation was concluded in good faith. No Tribal cultural resources as defined in PRC Section 21074(a)(1) that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or that are determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to PRC Section 5024.1, have been identified within the Project site.

During AB 52 consultation, the Tribe stressed the potential tribal cultural resources sensitivity of the Project site and indicated that the Project site vicinity maintains a high sensitivity for having the potential to encounter resources of prehistoric and historic archaeological resources that may be identified as tribal cultural resources as a result of the Project site being within the ethnographic village of **Maawanga**.
Review of the documentation from the Tribe did support the conclusion reached in Section 3.5, *Cultural Resources*, of this Draft EIR, that the Project site has potentially high sensitivity for buried archaeological resources in areas of native soils which include quaternary alluvium in the Knoll portion of the Project Site and the Eucalyptus Grove. Once encountered, these could potentially be considered a tribal cultural resource. PDF-CR-1 and PDF-CR-2 provide for unanticipated discovery of such archaeological resources. In addition to the cultural Project Design Features, as an added protection for inadvertent discoveries, the Project would be required to comply with the City’s standard conditions of approval for the treatment of inadvertent tribal cultural resource discoveries. The City would be required to comply with these conditions, which provide treatment requiring the immediate halt of construction activities in the vicinity of the discovery, the coordination with Native American tribes and the City, and for the development and implementation of appropriate measures for treating the discovery. In addition, review of the disturbance at the Silver Lake and Ivanhoe Reservoirs indicated that as a result of multiple phases of construction within the reservoir complex have resulted in substantial disturbance to the complex. Fill was used from the bottom of the reservoir as described above and subjected to processing and compaction in the Meadow and Dams. In addition, portions of the project site also have the Puente Formation at the surface which is 2.5 million years old or older and although could have potentially have prehistoric resources present on the surface at one time, due to the disturbance over more than 100 years, this is highly unlikely and the formation is too old to contain prehistoric resources related to past human civilization in the area. Therefore, tribal monitoring has been recommended for the areas containing native quaternary alluvium within the Knoll and the Eucalyptus Grove which has not been impacted by Reservoir development. All other ground disturbance will be within areas of fill or the Puente Formation, including boring activities within the lakebed which would be within the underlying Puente Formation and fill layers at that depth.

Per AB 52, all information received from the Tribal consultation is included in a confidential appendix in the project files of the Bureau of Engineering.

For these reasons, the Project and offsite improvements would not result in a substantial adverse change in the significance of a Tribal cultural resource as defined in PRC Section 21074. Impacts would be considered less than significant.

**Mitigation Measures:**

**TCR-1: Native American Monitoring.** Prior to the commencement of any ground disturbing activity at the project site, the City shall reach out to retain a Native American Monitor from both the Gabrieleno Band of Mission Indians-Kizh Nation and the Gabrieleno Tongva Indians of California Tribal Council to provide a Native American monitor. Should neither Tribe be available to monitor during ground disturbance, work may continue but should Tribal Cultural Resources be encountered work will stop and both Tribes will be immediately notified. The Tribal monitors will only be present on-site during the construction phases that involve ground-disturbing activity in areas of quaternary alluvium within the Knoll, and will not be necessary in portions of the Knoll where the Puente Sandstone bedrock formation is present either at depth or at the surface. In addition, any ground disturbance required in the Eucalyptus Grove will be subject to Tribal monitoring. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing, or auguring, grubbing,
tree removals, boring, grading, excavation, drilling, and trenching within the areas above. The on-site Tribal monitoring shall end when all ground-disturbing activities within the Knoll and the Eucalyptus Grove are completed, or when the Tribal representatives and Tribal Monitors have indicated that the project site has little to no potential for impacting Tribal Cultural Resources.

In the event that cultural resources of Native American origin are identified during construction, the City will coordinate with the qualified archaeologist (who meets the Secretary of the Interior’s Professional Qualifications Standards), and both tribes that participated in consultation. If the City, in consultation with the Gabrieleno Band of Mission Indians-Kizh Nation and the Gabrieleno Tongva Indians of California Tribal Council, determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, a treatment plan shall be prepared and implemented in accordance with state guidelines and in consultation with the two Native American tribes. The treatment plan may include, but would not be limited to, avoidance, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon measure.

Significance Determination:
Less than Significant Impact with Mitigation Incorporated

Cumulative Impact
Impact 3.17-2: Would the proposed Project construction and operation, when considered with related projects in the geographic scope, result in a cumulatively considerable impact to tribal cultural resources?

The City submitted request to consult letters to nine Native American individuals and organizations on the City’s AB 52 Notification List on December 13, 2021 as part of the AB 52 Tribal consultation effort. As determined through the City’s consultation with Native American Tribes who requested consultation, no known Tribal cultural resources have been identified within the Project Site. The Project would not result in a substantial adverse change in the significance of a Tribal cultural resource as defined in PRC Section 21074. Related projects may impact tribal cultural resources due to the potential to encounter tribal cultural resources at depth during construction. This potential exists given the Project Site’s location in the general vicinity of a known Native American village (Maawnga) and where recent discoveries during other construction projects have been made, its location in an area where prehistoric trading routes had once existed, and its proximity to the Los Angeles River, all of which would have attracted prehistoric inhabitants to the Project Site and vicinity. Nonetheless, since the proposed Project would not impact a tribal cultural resource, it would not contribute considerably to a cumulative Tribal Cultural Resource. In light of the City’s standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries, and similar anticipated mitigation requirements for Projects in areas of heightened sensitivity, cumulative impacts associated with tribal cultural resources would be less than significant.

Mitigation Measures:
None Required
Significance Determination:
Less than Significant Impact

3.17.6 Summary of Impacts

Table 3.17-2 summarizes the impact significance determinations and lists mitigation measures related to tribal cultural resources.

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.17-1: Tribal Cultural Resources</td>
<td>Mitigation Measure TCR-1</td>
<td>LTSM</td>
</tr>
<tr>
<td>3.17-2: Cumulative</td>
<td>None Required</td>
<td>LTS</td>
</tr>
</tbody>
</table>

NOTES:
NI = No Impact, no mitigation proposed
LTS = Less than Significant, no mitigation proposed
LTSM = Less than Significant Impact with Mitigation Incorporated
SU = Significant and Unavoidable

3.17.7 References


