Los Angeles River Ecosystem Restoration Feasibility Study

APPENDIX O
Cultural Resources

Part 1 – Programmatic Agreement

Part 2 – Consultation Letters

September 2015
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Los Angeles River Ecosystem Restoration
Feasibility Study

APPENDIX O
Cultural Resources Part 1
Programmatic Agreement

September 2015
July 3, 2015
In reply refer to: COE_2014_0912_001

Eduardo T. De Mesa
Acting Chief, Planning Division
Department of the Army
Los Angeles District, Army Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017

Re: Executed Programmatic Agreement, Los Angeles River Ecosystem Restoration

Dear Mr. De Mesa:

Please find enclosed two copies of the executed Programmatic Agreement Between the U.S Army Corps of Engineers and the California State Historic Preservation Officer Regarding the Los Angeles River Ecosystem Restoration Project, Los Angeles County, California (PA).

Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions, please contact Jessica Tudor, Associate Archaeologist, of my staff at 916-445-7016 or jessica.tudor@parks.ca.gov, or Kathleen Forrest, Historian, at 916-445-7022 or kathleen.forrest@parks.ca.gov.

Sincerely,

Jenan Saunders
Deputy State Historic Preservation Officer
PROGRAMMATIC AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS
AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
LOS ANGELES RIVER ECOSYSTEM RESTORATION PROJECT
LOS ANGELES COUNTY, CALIFORNIA

WHEREAS, the U.S. Army Corps of Engineers, Los Angeles District (Corps), in cooperation with the City of Los Angeles (City), is currently conducting the Los Angeles River Ecosystem Restoration feasibility study to evaluate opportunities for ecosystem restoration within the Los Angeles River Basin under the Corps’ General Investigation Program; and

WHEREAS, the feasibility study includes an Environmental Impact Statement/Environmental Impact Report prepared jointly by the Corps and City; and

WHEREAS, the Corps has identified Alternative 20 as the preferred alternative, and determined that Alternative 20 constitutes an undertaking as defined in the regulations implementing the National Historic Preservation Act (NHPA) found at 36 C.F.R. § 800.16(y) (hereinafter, the “Undertaking”); and

WHEREAS, the Undertaking involves the restoration of approximately 11 miles in and along the Los Angeles River (River) from Griffith Park to Downtown Los Angeles and generally includes excavation and planting of enclosed drainages, creation of side channels, installation of pre-seeded turf reinforcement mats, planting riparian habitat along channel overbanks, modifying trapezoidal channels, restructuring the confluence at Verdugo Wash, terracing and restructuring banks, widening the River into the historic floodplain at the Taylor Yard and Los Angeles Trailer and Container intermodal yard with softening of some beds and banks stabilized with bank protection, softening the bed and bank of the lower Arroyo Seco, and establishing riparian, wetland and marsh habitat. The Undertaking is described in greater detail in Appendix A, attached hereto and incorporated by reference; and

WHEREAS, the Corps has determined that the Undertaking has the potential to cause effects to properties that are either included on or are eligible for inclusion on the National Register of Historic Places (NRHP); and

WHEREAS, under the Corps’ General Investigation Program, the Undertaking would be authorized by Congress at the end of the feasibility stage but prior to the development of project level designs or acquisition of project lands and this authorization would constitute an approval of the Undertaking under Section 106 of the NHPA (54 U.S.C. § 306108; hereafter, “Section 106”); and
WHEREAS, the Undertaking, if approved, may be constructed in phases that correspond to the eight (8) reaches described in Appendix A and consequently Section 106 responsibilities may be conducted and concluded at different times for each phase of the Undertaking; and

WHEREAS, the Corps has consulted with the California State Historic Preservation Officer (SHPO), pursuant to Section 106 and its implementing regulations at 36 C.F.R. § 800.14(b)(3) about this Undertaking, and the signatories have determined that a phased approach for compliance with Section 106 is reasonable for this Undertaking because not all of the potential effects of the Undertaking on historic properties within the Area of Potential Effects (APE) can be known prior to the approval of the Undertaking (36 C.F.R. § 800.14(b)(1)(ii)); and

WHEREAS, the Corps has notified and invited the Advisory Council on Historic Preservation (ACHP) per 36 C.F.R. § 800.6(a)(1)(i)(C) to consult on this Undertaking and this Programmatic Agreement (PA), and as per their letter to the Corps dated October 7, 2014, the ACHP has elected not to participate in this PA; and

WHEREAS, pursuant to the special relationship between the Federal government and Indian tribes, and Section 101(d)(6)(B) of the NHPA, 36 C.F.R. § 800.2(c)(2)(ii), the Corps is responsible for government-to-government consultation with federally-recognized Indian tribes; and

WHEREAS, no federally recognized Indian tribes have been identified as Consulting Parties (defined in Stipulation I.C hereof) to this PA; and

WHEREAS, the non-federally recognized Indian tribes of the Gabrieleno Band of Mission Indians, Fernandeño Tataviam Band of Mission Indians, Gabrielino Tongva Indians of California, Gabrielino-Tongva Tribe, Gabrielino Tongva Nation, Los Angeles City and County Native American Indian Commission, Ti’At Society/Inter-Tribal Council of Pima, and San Gabriel Band of Mission Indians (collectively, “Tribal Organizations”) have been invited to consult on this Undertaking and this PA, have been afforded Consulting Party status pursuant to 36 C.F.R. § 800.3(f)(2), and have been invited to be Concurring Parties to this PA; and

WHEREAS, the Corps shall continue to consult with the Tribal Organizations throughout the implementation of this PA regarding effects to historic properties to which they may attach religious and cultural significance, notwithstanding any decision by these Tribal Organizations to decline to be a Concurring Party; and

WHEREAS, the City and California Department of Parks and Recreation (Department) have been invited to consult on this Undertaking and this PA, have been afforded Consulting Party status pursuant to 36 C.F.R. § 800.3(f)(1), and have been invited to be Concurring Parties to this PA; and

WHEREAS, the Corps will continue to consult with any Consulting Party throughout the implementation of this PA regarding effects to historic properties, notwithstanding any decision by a Consulting Party to decline to be Concurring Party.
NOW, THEREFORE, the Corps and the SHPO (individually a “Signatory” and collectively “Signatories”) agree that the proposed Undertaking shall be implemented in accordance with the following Stipulations in order to take into account the effects of the Undertaking on historic properties and to satisfy the Corps' Section 106 responsibilities for all individual aspects of the Undertaking.

STIPULATIONS

To the extent of its legal authority and in cooperation with SHPO and other Consulting Parties to this PA, the Corps shall ensure that the following Stipulations are carried out, as indicated:

I. DEFINITIONS

A. The definitions provided in 36 C.F.R. § 800.16 are applicable throughout this PA.

B. **Concurring Parties.** For purposes of this PA, the Concurring Parties are the City, Department, and Tribal Organizations that have decided to concur by signing this PA.

C. **Consulting Parties.** Parties that have a consulting role in the Section 106 process. For this PA, Consulting Parties are the Signatories, Concurring Parties, Tribal Organizations and any additional individuals and organizations with a demonstrated interest in the Undertaking.

II. AREA OF POTENTIAL EFFECTS

A. The Corps has determined and documented the APE for the Undertaking in consultation with SHPO. A map of the APE is attached in Appendix B. Modifications of the APE will be made in accordance with Stipulations II.B, II.C, and XI.B.

B. The APE encompasses an area sufficient to accommodate all of the proposed components under consideration as of the date of execution of this PA. If it is determined in the future that the Undertaking may directly or indirectly affect historic properties located outside the currently defined APE, then the Corps, in coordination with SHPO and Concurring Parties, shall modify the APE using the following process:

i) The Corps shall notify the SHPO and Concurring Parties of any change in the APE with a map and description of the change. The SHPO and Concurring Parties shall then have fifteen (15) calendar days or as extended by the Signatories to comment on the modified APE.

ii) If the Signatories agree to the proposal, or if no comments are received within the allotted review time, then the Corps will notify all Concurring Parties of the modification to the APE. The Corps will keep copies of the description and the map on file for its administrative record and distribute copies of each to SHPO and Concurring Parties within thirty (30) days of the day upon which agreement to the modification was reached or as extended by the Signatories.
iii) If the Signatories cannot agree to a proposal for the modification of the APE, then they will resolve the dispute in accordance with Stipulation XII below.

C. Any Concurring Party to this PA may propose that the APE established herein be modified at any time. Any Concurring Party wishing to modify the APE must provide the Corps a map of the proposed modification and a reason for the modification. The Corps will then notify the SHPO and the Concurring Parties that it has received a request for modification within seven (7) days. If the Corps and SHPO agree with the proposal they will follow the steps outlined in Stipulation II.B.ii. hereof. If the SHPO and Corps cannot come to agreement on the modification they will resolve the dispute in accordance with Stipulation XII below.

D. Upon agreeing to a modification to the APE that alters the geographic area, the Corps shall follow the processes set forth in Stipulation III (below) to identify and evaluate historic properties in the revised APE, assess the effects of the Undertaking on any historic properties in the revised APE, and provide for resolution of any adverse effects to such properties, known or subsequently discovered, per Stipulations IV and V below.

III. IDENTIFICATION AND EVALUATION

A. Identification

i) During subsequent planning stages for construction of the Undertaking but prior to any ground disturbing activity, the Corps shall re-evaluate the APE to ensure that it includes all refined elements including access routes, staging areas, and visual and auditory effects to historic properties. If needed, the Corps shall follow the process in Stipulation II (above) to amend the APE of the Undertaking.

ii) The Corps shall seek to identify any additional interested persons pursuant to 36 C.F.R § 800.4(a)(3) and involve them, as appropriate, in consultation and coordination associated with the Undertaking.

iii) The Corps shall continue to consult with interested Tribal Organizations or tribal individuals that attach religious or cultural significance to potential historic properties within the APE and shall respond to any additional request to consult with Tribal Organizations or tribal individuals.

iv) If the Undertaking has the potential to affect historic properties on lands that have not been inventoried for historic properties in excess of five (5) years to date, the Corps will ensure that a cultural resources assessment is conducted within the APE. This will typically consist of a cultural resources inventory by a professional meeting the Secretary of the Interior’s Professional Qualifications Standards in the appropriate discipline, as defined in Stipulation VIII. The cultural resource assessment is the Corps’ “good faith” effort to identify historic properties in the APE and as such should take into account geomorphological processes that would influence site location and depositional rates; historical and ethnographic sources; and previous archaeological or historical work in the APE.
(1) Field inventory strategies shall be tailored to each of the eight (8) reaches of the Undertaking, as described in Appendix A of this PA. The level of effort and field methods used will be appropriate for the number and kinds of cultural resources known or expected to occur in such reaches, and should be suited to the area’s environmental conditions.

(a) If the Corps proposes to deviate from a traditional pedestrian cultural resources survey of the entire APE in order to identify potential historic properties, then the Corps will notify SHPO in writing not less than thirty (30) days prior to commencing fieldwork of its intention to deviate from a standard survey. SHPO shall have 30 calendar days from the date of receipt to respond to this intention with comments. The Corps shall consider and incorporate the comments received by SHPO into their identification plan, or continue to consult in order to resolve any objections pursuant to Stipulation XII below.

(2) A data review/records search is required for all inventories. The record search shall include the General Land Office (GLO) cadastral survey plats, local historic maps, a records search request at the appropriate California Historical Resources Information Center (CHRIS), and any other relevant archive. Historic structures such as roads, flood control features and railroad grades must be identified. Furthermore, a review of previous inventories and sites recorded within a half mile of the APE will be completed.

(3) An attempt to relocate any previously recorded sites within the APE will be performed, and the respective site form shall be updated for those that are relocated if more than five (5) years has passed since the site form was prepared or updated or if the site has been visibly altered. If a site cannot be found, a discussion of the relocation efforts will be included in the cultural resources assessment.

(4) Linear resources (railroad, road, trail, ditch, etc) that appear on historic maps or are known from other archival data to be historic or which have associated features or dateable artifacts will be recorded on the appropriate California Department of Parks and Recreation (DPR) 523 series form or successor form. Linear resources that cannot be verified as historic either through archival research or associated artifacts will be treated as isolated road segments and will be recorded in tabular form and included in the cultural resources assessment.

(5) Non-linear sites that extend outside of the APE will be recorded in their entirety unless access to the land outside the APE is prohibited.

(a) In the event that access cannot be gained, the Corps shall notify SHPO in writing of its proposed means of evaluating the site. SHPO shall have thirty (30) calendar days from the date of receipt to respond to this proposal with comments. The Corps shall consider and incorporate the comments received by SHPO into its identification plan, or continue to consult in order to resolve any objections pursuant to Stipulation XII below.

(6) The Corps shall report the results of the identification efforts in a cultural resource assessment that is consistent with the Secretary of Interior’s Standards and Guidelines for Identification (48 FR 44720-23). The Corps shall distribute any draft cultural resource assessments to all Consulting Parties for a thirty (30)-day review and comment period. A
Consulting Party may provide its comments directly to the SHPO with a copy to the Corps within the thirty (30) day comment period. The Corps will forward to the SHPO all comments received during the thirty (30) day comment period. The Corps will consider and attempt to resolve all comments when finalizing its cultural resource assessments. After the thirty (30) day comment period, the Corps will distribute its final cultural resources assessments to Consulting Parties concurrently with the evaluation in Stipulation II.B.i.

B. Evaluation

i) The Corps, in consultation with SHPO, shall evaluate resources identified through the cultural resource assessment pursuant to 36 C.F.R. § 800.4(c) and in accordance with the criteria set forth in 36 C.F.R. Part 60 early in the planning phase and prior to the initiation of activities that may affect historic properties. The SHPO shall have thirty (30) days from the date of receipt to review and comment on evaluations.

(1) The Corps shall seek the views and comments of Tribal Organizations and individual tribal members regarding the eligibility of cultural resources to which they may attach religious or cultural significance in order to accurately apply the NRHP eligibility criteria. The Corps will consider this information when making its determinations of eligibility.

(2) Resources that intersect with any part of the APE shall be incorporated into the APE as a whole and evaluated in their entirety. Linear resources shall only be recorded to the edge of the APE; however, evaluation of eligibility for linear resources will be based on the significance of the whole resource.

ii) Concurring and other Consulting Parties may provide comments directly to the SHPO with a copy to the Corps within the thirty (30) day comment period. The Corps will forward to the SHPO all comments received during the thirty (30) day comment period. If a Concurring Party objects to the determination, the Corps will notify the SHPO of the objection and will seek to resolve the objection pursuant to Stipulation XII.E below.

iii) If the Corps determines any of the National Register criteria are met and SHPO concurs, the property shall be considered eligible for the National Register for Section 106 purposes. If the Corps and SHPO do not agree, the Corps shall consult to resolve objections pursuant to Stipulation XII below, and if that is not successful they will obtain a determination from the Secretary of the Interior in accordance with 36 C.F.R. § 800.4(c)(2).

iv) If adverse effects to a historic property can and shall be avoided, the Corps may propose to assume eligibility of that resource.

IV. ASSESSMENT OF EFFECTS

A. The Corps shall make determinations of effect consistent with 36 C.F.R. § 800.4(d) and identify the type of adverse effect for each affected property in accordance with the criteria established in 36 C.F.R. § 800.5(a)(1) and (2)(i)-(vii) early in the design phase and prior to the initiation of activities that may affect historic properties within the APE.
B. The Corps shall issue its assessment of effects, and make the assessment available to the
SHPO and the other Consulting Parties for a thirty (30) day review and comment period, from
the date of receipt.

C. The Corps will forward to the SHPO all comments received during the thirty (30) day
comment period regarding its assessment of effects.

D. The Corps will consider all comments when making its findings of effect. The Corps
shall attempt to make its findings to the extent possible in a single consolidated decision and may
submit findings of effect to the SHPO concurrently with its determinations of eligibility.

E. After the comment period, the Corps may request SHPO concurrence on its findings of
effect.
   i) SHPO will have thirty (30) days from the date of receipt in which to comment.
   ii) Should SHPO not comment, the Corps may document that SHPO has elected
       not to comment and may proceed in accordance with its proposed finding.
   iii) Should SHPO disagree with Corps' finding, they shall resolve the dispute in
       accordance with Stipulation XII below.

F. Where a Concurring Party or other Consulting Party objects to the Corps' findings, the
Corps shall consult with the objecting party and the SHPO regarding the nature of the objection
and reconsider its findings.
   i) If the objection is not resolved, the Corps shall further consult with the SHPO and
      follow the processes provided at Stipulation XII.E below.

G. The Corps may prepare the analysis required above in phases that correspond to the
proposed sequence of construction for the Undertaking, provided that analyses are ultimately
prepared for the entirety of the APE.

H. If adverse effects to such cultural resources will not be avoided, the Corps must resolve
the adverse effect through the development and implementation of a Historic Properties
Treatment Plan (HPTP).

V. TREATMENT AND MANAGEMENT OF HISTORIC PROPERTIES

When historic properties cannot be avoided, the Corps will ensure that one or more HPTPs are
prepared, executed, and field work associated with the HPTPs completed prior to the issuance of
a notice to proceed for construction. All finalized HPTPs will be included in Appendix C hereof.
A. The Corps may authorize the phased implementation of the HPTPs, or if appropriate, the development of HPTPs for individual historic properties, or HPTPs that are related to specific issues or geography.

B. In developing the HPTPs, treatment efforts will be tailored to the types and degree of anticipated project effects. Treatments shall address the loss of location, design, setting, materials, feeling, association and workmanship. Example treatments may include, but are not limited to: public outreach and interpretation, exhibits, publications, educational materials, oral histories, and off-site investigations.

C. Where an HPTP specifically addresses treatment for adverse effects to historic properties to which Tribal Organizations attach religious or cultural significance, the Corps shall submit the HPTP to the Tribal Organization(s) and seek their views and comments through consultation, regardless of the absence of a Tribal Organization as a Concurring Party to this PA. The Corps shall consult with involved Tribal Organization(s) on the distribution to other Consulting Parties of any HPTPs that specifically addresses treatment for adverse effects to historic properties to which the Tribal Organizations attach religious or cultural significance.

D. The Corps shall distribute the draft HPTPs to the SHPO and other Consulting Parties for a thirty (30)-day review period or as extended by the Signatories. The Corps will consider timely comments when finalizing the HPTPs. A Consulting Party may provide its comments directly to the SHPO with a copy to the Corps within thirty (30) days of receipt, or as extended by the Signatories, of the draft HPTP. The Corps will forward to the SHPO all comments regarding the HPTPs received during the comment period.

E. The Corps shall have sixty (60) days to address comments received from the Consulting Parties and shall revise the HPTPs as appropriate. The Corps shall note proposed changes that it does not believe should be included in the HPTPs and shall discuss these changes in a written reply to the Consulting Parties.

F. The Corps shall resubmit the revised HPTPs to the SHPO and other Consulting Parties for a fifteen (15)-day review period, or as extended by the Signatories. The Corps will consider any comments sent within fifteen (15) days of receipt in finalizing the HPTPs.

G. The Corps will submit the finalized HPTPs to the SHPO for concurrence. If the SHPO does not concur, the Corps will consult directly with the SHPO to address issues or concerns with the HPTPs. When the Signatories agree on the final HPTPs, a copy of the final HPTPs will be submitted to the other Consulting Parties. If the Signatories cannot come to agreement, they will resolve the dispute in accordance with Stipulation XII below.

H. Modifications of HPTPs will be made in accordance with this paragraph and Stipulation XI.B. If it is determined an HPTP should be modified, the Corps, in coordination with SHPO and Concurring Parties, shall use the following process:

i) The Corps shall notify the SHPO and Concurring Parties of any proposed change in the HPTP with a description of the proposed change. The SHPO and Concurring Parties shall
then have fifteen (15) calendar days from receipt, or as extended by the Signatories, to comment on the modified HPTP.

ii) If the Signatories agree to the proposal, or if no comments are received within the allotted review time, then the Corps will notify all Concurring Parties of the modification to the HPTP. The Corps will keep copies of the description on file for its administrative record and distribute copies of each to SHPO and Concurring Parties within thirty (30) days of the day upon which agreement to the modification was reached or as extended by the Signatories.

iii) If the Signatories cannot agree to a proposal for the modification of the HPTP, then they will resolve the dispute in accordance with Stipulation XII below.

VI. DISCOVERIES AND UNANTICIPATED EFFECTS

A. The Corps, in consultation with the Consulting Parties, will seek to develop a monitoring and discovery plan for the Undertaking pursuant to 36 C.F.R. § 800.13(a)(1). A finalized monitoring and discovery plan will be included as part of the HPTPs found in Appendix C hereof.

B. If the Corps determines that implementation of the Undertaking will affect a previously unidentified property that may be eligible for the NRHP, or affect a known historic property in an unanticipated manner, and a monitoring and discovery plan has not been finalized, the Corps will address the discovery or unanticipated effect by following the procedures at 36 C.F.R. § 800.13(b)(3), where a process has not been yet been agreed to pursuant to 36 C.F.R. § 800.13(a)(1).

C. The Corps at its discretion may assume any post-review discovery to be eligible for inclusion in the NRHP and treat it accordingly. The Corps' compliance with this Stipulation shall satisfy the requirements of 36 C.F.R. § 800.13(a)(1).

VII. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN AND RELATED CULTURAL ITEMS

To the extent not inconsistent with Federal law, the Corps shall ensure that Native American burials and related cultural items are treated in accordance with the applicable requirements of the California Public Resources Code at Sections 5097.98 and 5097.991, and of the California Health and Human Safety Code at Section 7050.5(c).

VIII. STANDARDS AND QUALIFICATIONS

A. PROFESSIONAL QUALIFICATIONS. All actions prescribed by this PA that involve the identification, evaluation, analysis, recordation, treatment, monitoring, and disposition of historic properties and that involve the reporting and documentation of such actions in the form of reports, forms or other records, shall be carried out by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of the Interior’s Professional Qualifications Standards (PQS), for the appropriate discipline (48 Fed. Reg. 44739 dated September 29, 1983). However, nothing in this Stipulation may be interpreted to preclude any party qualified under the terms of this Section from using the services of persons who do not
meet the PQS, so long as the work of such persons is supervised by someone who meets the PQS. Tribal consultants who are available to perform monitoring duties are assigned and approved of by each Tribe.

B. DOCUMENTATION STANDARDS. Reporting on and documenting the actions cited in this PA shall conform to every reasonable extent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Fed Reg. 44716-40 dated September 29, 1983), as well as, the Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (ARMR Guidelines) for the Preparation and Review of Archaeological Reports.

C. CURATION STANDARDS. The Corps shall ensure that cultural materials and records resulting from excavations or surface collections on non-federal land are curated in accordance with the Secretary of the Interior’s Standards for Archaeological Documentation. The permanent disposition of Native American human remains and associated items shall be addressed in consultation with the most likely descendant(s) designated by California’s Native American Heritage Commission pursuant to California Public Resources Code section 5097.98.

IX. REPORTING REQUIREMENTS

A. Within twelve (12) months after the Corps has determined that all fieldwork required by Stipulations III through V has been completed, the Corps will ensure preparation and concurrent distribution to the Consulting Parties of a draft report that documents the results of implementing the requirements of each Stipulation. The Consulting Parties will be afforded thirty (30) days, or as extended by the Signatories, after receipt to review and to submit any written comments to the Corps. The Corps will consider all timely comments when making revisions to the draft report. A revised draft will be provided for review within fifteen (15) days of receipt or as extended by the Signatories. The Corps will consider all timely comments in making final changes to the report. Thereafter, the Corps may issue the reports in final form and distribute these documents in accordance with Stipulation IX.B. hereof.

B. Unless otherwise requested, the Corps will distribute one copy of final reports documenting the results of implementing the requirements of Stipulations III through V to each Consulting Party, and to the appropriate CHRIS Regional Information Center.

C. The Corps shall ensure that any draft document that communicates, in lay terms, the results of implementing Stipulations III through V to members of the interested public is distributed for review and comment concurrently with and in the same manner as that prescribed for the draft technical report prescribed by Stipulation IX.A. If the draft document prescribed is a publication, such as a report or brochure, the Corps shall distribute the publication upon completion to the Consulting Parties and to other entities that said parties may deem appropriate. Archaeological and sensitive Native American site locations and maps and the nature of sensitive historic properties shall not be included in copies of reports for general distribution.

X. IMPLEMENTATION OF THE UNDERTAKING
The Corps may authorize construction activities to proceed in specific geographic areas of the APE where there are no historic properties; where there will be no adverse effect to historic properties; or where an HPTP has been approved, initiated, and fieldwork completed.

XI. AMENDMENTS TO THE PROGRAMMATIC AGREEMENT

A. This PA may be amended only upon written agreement of the Signatories.

   i) Upon receipt of a written request to amend this PA, the Corps will immediately notify the other Consulting Parties and initiate a thirty (30) day period from the date of receipt to consult on the proposed amendment, or as extended by the Signatories, whereupon all Signatories and Consulting Parties shall consult to consider such amendments.

   ii) If agreement to the amendment cannot be reached by the Signatories within the thirty (30) day period, or as extended by the Signatories, resolution of the issue may proceed by following the dispute resolution process in Stipulation XII below.

B. Each Appendix to this PA may be individually revised or updated through consultation and agreement in writing of the Signatories without requiring amendment of the PA, unless the Signatories through such consultation decide otherwise. Upon revising any Appendix, the Corps shall append any revised document to this PA and share the final revised document with SHPO and other Consulting Parties.

XII. DISPUTE RESOLUTION

A. Should SHPO object in writing at any time to the manner in which the terms of this PA are implemented, the Corps will consult with SHPO to resolve the objection for a period of thirty (30) days upon receipt of the notification.

B. If the objection is resolved and agreed to by the Signatories within the thirty (30) day period, the Corps may authorize the disputed action to proceed in accordance with the terms of such resolution.

C. If the objection cannot be resolved through such consultation, the Corps will forward all documentation relevant to the objection to the ACHP and follow the process outlined at 36 C.F.R. § 800.7(c). Any comments provided by the ACHP within forty-five (45) days after its receipt of all relevant documentation will be taken into account by the Corps in reaching a final decision regarding the objection. The Corps will notify SHPO and Concurring Parties in writing of its final decision within fourteen (14) days after it is rendered or as extended by the Signatories.

D. The Corps’ responsibility to carry out all other actions under this PA that are not the subject of the objection will remain unchanged.

E. At any time during implementation of the terms of this PA, should an objection pertaining to the PA be raised by a Concurring Party or a member of the interested public, the
Corps shall notify the SHPO and other Concurring Parties within forty-eight (48) hours, consult with the SHPO about the objection, and take the objection into account. The other Consulting Parties may comment on the objection to the Corps. The Corps shall consult with the objecting party/parties for no more than thirty (30) days following receipt of the objection. Within fourteen (14) days following closure of consultation, the Corps will render a final decision regarding the objection and proceed accordingly after notifying all Consulting Parties of its decision in writing. In reaching its final decision, the Corps will take into account all comments from the Consulting Parties regarding the objection.

XIII. CONFIDENTIALITY

All parties to this PA acknowledge that information about historic properties, prospective historic properties, or properties considered historic for purposes of this PA are or may be subject to the provisions of NHPA Section 304, 36 C.F.R. § 800.11(c), relating to the disclosure of sensitive information, and having so acknowledged, will ensure that all actions and documentation prescribed by this PA are, where necessary, consistent with the requirements of NHPA Section 304, 36 C.F.R. § 800.11(c).

XIV. TERMINATION

A. If any Signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately notify the other Signatory in writing and consult with the other Signatory to attempt to develop an amendment per Stipulation XI above. If within sixty (60) days of receipt of the notification, or as extended by the Signatories, an amendment cannot be reached, a Signatory may terminate the PA upon written notification to the other Signatory.

B. If the PA is terminated, and prior to work continuing on the Undertaking, the Corps shall continue to follow the process provided at 36 C.F.R. § 800.4 – 6 until (a) a new agreement is executed pursuant to 36 C.F.R. § 800.6 or (b) the agency requests, takes into account, and responds to the comments of the ACHP under 36 C.F.R. § 800.7. The Corps shall notify SHPO as to the course of action it will pursue.

XV. DURATION OF THIS PROGRAMMATIC AGREEMENT

A. Unless amended or modified pursuant to Stipulation XI.A, this PA shall remain in force until whichever of these events occurs first: 1) ten (10) years after the effective date; or 2) the PA is terminated pursuant to Stipulation XIV.

B. Sixty (60) days prior to expiration of the PA, the Signatories will consult to determine whether the terms of the PA have been met, whether revisions are needed, and whether the duration of the PA should be extended.

XVI. EFFECTIVE DATE OF THIS PROGRAMMATIC AGREEMENT AND AMENDMENTS
This PA and any amendments shall take effect on the date that it has been fully executed by the Signatories.

[Remainder Left Intentionally Blank]
EXECUTION of this PA by the Corps and SHPO, and its transmittal to the ACHP, and subsequent implementation of its terms evidence that the Corps has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties, that the Corps has taken into account the effects of the Undertaking on historic properties, and that the Corps has satisfied its responsibilities under Section 106 of the NHPA and applicable implementing regulations for all aspects of the Undertaking.

U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT

BY: ____________________________ DATE: 7/2/15

Kimberly M. Colloton, PMP
Colonel, U.S. Army
Commander and District Engineer

CALIFORNIA STATE HISTORIC PRESERVATION OFFICE

BY: ____________________________ DATE: 7/2/15

Jenan Saunders
Deputy State Historic Preservation Officer

CONCURRING PARTIES

CITY OF LOS ANGELES, a Municipal Corporation

BY: ____________________________ DATE: __________________

NAME:
TITLE:

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

BY: ____________________________ DATE: __________________

NAME:
TITLE:
GABRIELENO BAND OF MISSION INDIANS

BY: ___________________________ DATE: ____________
NAME: _________________________
TITLE: _________________________

FERNANDEÑO TATAVIAM BAND OF MISSION INDIANS

BY: ___________________________ DATE: ____________
NAME: _________________________
TITLE: _________________________

GABRIELINO TONGVA INDIANS OF CALIFORNIA

BY: ___________________________ DATE: ____________
NAME: _________________________
TITLE: _________________________

GABRIELINO- TONGVA TRIBE

BY: ___________________________ DATE: ____________
NAME: _________________________
TITLE: _________________________

GABRIELINO TONGVA NATION

BY: ___________________________ DATE: ____________
NAME: _________________________
TITLE: _________________________
LOS ANGELES CITY AND COUNTY NATIVE AMERICA INDIAN COMMISSION

BY: ___________________________ DATE: ______________
NAME: ___________________________
TITLE: ___________________________

TI’AT SOCIETY/ INTER-TRIBAL COUNCIL OF PIMA

BY: ___________________________ DATE: ______________
NAME: ___________________________
TITLE: ___________________________

SAN GABRIEL BAND OF MISSION INDIANS

BY: ___________________________ DATE: ______________
NAME: ___________________________
TITLE: ___________________________
APPENDIX A: PROJECT DESCRIPTION FOR ALTERNATIVE 20
Alternative 20 Project Description

The plan consists of the following major restoration features within the eight reaches of the study area, in addition to removal of invasive vegetation throughout the project area:

- **Reach 1 (Pollywog Park to Bette Davis Park, 1.5 miles)** – Restoration of riparian habitat corridors along overbanks on both sides of the river, along the Burbank Western Channel tributary, and in the Pollywog Park area of Griffith Park.

- **Reach 2 (Bette Davis Park to Ferraro Fields, 0.75 miles)** – Restoration of riparian and soft bottom habitat through establishment of riparian corridors along the left and right overbanks of the river and modification of the right river bank from trapezoidal to a vertical wall with overhanging vines, increasing the channel bottom width by 80 feet.

- **Reach 3 (Ferraro Fields to Upstream Glendale Narrows, 1 mile)** – Restoration of riparian and wetland habitat in and along the channel, including restoration of wetland and riparian habitat at the confluence of the river and the Verdugo Wash tributary, where concrete in the tributary channel’s bottom and sides would be removed and the confluence area expanded; restoration of a riparian corridor on the right river overbank; daylighting of a small stream currently encased in a culvert; and creation of a side channel around Ferraro Fields that reenters the river through the daylighted stream.

- **Reach 4 (Upstream Glendale Narrows to Los Feliz, 1.75 miles)** – Restoration of riparian and wetland habitat through establishment of a riparian corridor on the left river overbank, creation of a side channel diverting river flows through the Griffith Park (Harding) Golf Course on the right side of the river, lowering of the Los Feliz Golf Course on the left side of the river to allow seasonal flooding through existing culverts, and daylighting of eight streams currently encased in culverts.

- **Reach 5 (Los Feliz to Bowtie Parcel, 1.55 miles)** – Restoration of riparian and wetland habitat through modification of the right river bank from a trapezoidal bank to a vertical wall with overhanging vines, widening the soft-bottom riverbed by over 100 feet; terracing of the left river bank to support riparian planting; widening of the left bank at the downstream end of the reach; and daylighting of one stream currently confined in a culvert.

- **Reach 6 (Bowtie Parcel to Downstream Glendale Narrows/Arroyo Seco, 2.34 miles)** – Restoration of riparian corridor and freshwater marsh through creation of a backwater wetland in the channel at the upstream end of the reach, terracing the left river bank to transition to a softened channel bank for widening of the channel by 300 feet at Taylor Yard, and modifying the right bank to support implanted vegetation.

- **Reach 7 (Downstream Glendale Narrows/Arroyo Seco to Main Street, 1 mile)** – Restoration of riparian and wetland habitat including restoration of 0.5 miles of the Arroyo Seco tributary upstream from the river, softening its banks and bed and establishing a backwater wetland at its confluence with the river; restoration of wetlands at the Los Angeles State Historic Park with a connection to the river through terracing and planting of the right river bank, accommodated with trestling of a railroad line; and daylighting three streams currently encased in culverts.

- **Reach 8 (Main Street to 1st Street, 1 mile)** – Restoration of riparian and wetland habitat, including removal of the concrete lining and naturalization of approximately 0.75 miles of the river to support open channel, and freshwater marsh; reconnection of the river to the historic floodplain at the LATC site, accommodated with trestling of a railroad line, with restoration of riparian and wetland habitat including a meandering historic wash and small channels; and terracing of river banks upstream and downstream of the LATC site.
APPENDIX B: MAP OF THE AREA OF POTENTIAL EFFECTS
AREAS OF POTENTIAL EFFECT
APPENDIX C: HISTORIC PROPERTIES TREATMENT PLAN(S)
APPENDIX O
Cultural Resources Part 2
Consultation Letters

April 2015
September 5, 2014

Office of the Chief
Planning Division

Carol Roland-Nawi, PhD
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Dear Dr. Roland-Nawi:

The U.S. Army Corps of Engineers (Corps), Los Angeles District, is preparing environmental and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project (LARER), along and within the Los Angeles River, Los Angeles County, California. The LARER is an ecosystem restoration project that would create ground and visual disturbance along the River near downtown Los Angeles (enclosure 1).

Prior to publishing the Draft Integrated Feasibility Report (IFR) for the proposed project, we discussed the project with Ms. Susan Stratton and Mr. Brendon Greenaway of your office in June 2013. Ms. Stratton indicated that your office might review the Draft IFR (which also served as the Environmental Impact Statement/Environmental Impact Report), although we understand that review is not always possible because of workload constraints. We did not receive any comments on the Draft IFR, which was available for public review from September 13, 2013 through November 18, 2013. However, we will proceed to obtain your comments and guidance as we move through the Section 106 process in accordance with 36 CFR 800. A CD containing the Draft IFR is enclosed for reference (enclosure 2).

The Draft IFR identified Alternative 13 as the Tentatively Selected Plan. Subsequently, the Corps and the non-federal sponsor (City of Los Angeles) have identified a more comprehensive restoration plan, Alternative 20, as the Locally Preferred Plan. Alternative 20 will be the Recommended Plan in the Final IFR.

The proposed project is to restore approximately 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles by reestablishing riparian strand, freshwater marsh, and aquatic habitat communities while maintaining existing levels of flood risk management. A secondary purpose is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river. A more detailed project description is included as enclosure 6.

Based on the current proposed project description, we have delineated an Area of Potential Effects (APE). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the portions of the project that would experience direct ground-disturbing activities. In addition, the APE includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects. Ground disturbance will occur mostly in areas that were previously disturbed by construction of the original concrete lined flood control channel. There are virtually no undisturbed ground surfaces in this highly urbanized environment through the
entire reach of the project. Some undisturbed and intact subsurface deposits are still present. As
construction would disturb these areas we would include the possibility for encountering buried cultural
remains within the vertical APE. The vertical APE varies greatly from a few inches to several feet.
Horizontally we are proposing a one-eighth mile buffer around each depicted feature for noise and visual
impacts. For clarity we have depicted the APE (without the one-eighth mile buffer) on both the USGS
topographic map, and an aerial view (enclosures 4 and 5). Each measure and project feature is detailed in
the legend.

The Corps requested a Sacred Lands File search and a Native American contact list from the Native
American Heritage Commission (NAHC) dated July 16, 2012. The NAHC responded by indicating that
there are cultural resources within the general area of the proposed APE. (Enclosure 4). In addition to
this information, we corresponded with the Gabrielino/Tongva prior to publishing the Draft IFR, and they
were also sent copies of the document to obtain their concerns during the public review period. No
responses were received. We will send this proposed APE map to the list of organizations and individuals
provided by the NAHC for their review and comment. Communication with the Gabrielino/Tongva
Tribal contacts will continue throughout the life of the project.

By this letter the Corps requests your comments on the appropriateness of the APE for the proposed
undertaking (pursuant to §800.4[a][1]).

Please review the enclosed information, and respond within thirty days of your receipt of this letter. If
you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at
(213) 452-3849. He may also be reached by e-mail at David.S.Dibble@usace.army.mil.

Sincerely,

[Signature]

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
Enclosure #3

Alternative 20 ARBOR Riparian Integration via Varied Ecological Reintroduction (RIVER)

This alternative provides the most extensive restoration and includes measures in all eight reaches with channel widening at Verdugo Wash, Arroyo Seco, Cornfield/LA State Historic Park, and Piggyback Yard. Features of Alternative 20 are similar to those included in Alternative 13, but are more extensive in scope. Sub-measures under this alternative would be implemented in all reaches (1-8) throughout the study area and include:

- Riparian planting of habitat corridors (reaches 1,2,3,4,5,6,7,8)
- Bioengineer channel walls (reach 5)
- Trapezoidal to vertical walls (reaches 2,5)
- Create/rebuild channel geomorphology (reaches 3,4,5,7,8)
- Divert flow into channels (reaches 3,4,7,8)
- Widen channel (reach 3,8)
- Widen tributaries (reach 3)
- Expose/daylight stormdrain outlets (reaches 4,5,7)
- Channel bed deepening (reach 5)
- Terrace banks (reaches 5,6,7,8)
- Elevate railroad (reaches 7,8)

Reach 1 – Reach 1 for all alternatives in the final array would implement the habitat corridor with riparian planting on the overbanks. This would restore approximately 60 acres of riparian habitat corridors along the overbanks of both sides of the river. Overbanks are those areas adjacent to the river where overland flow in flood events could occur in a natural river environment. Areas of restoration include Pollywog Park, the bank between Headworks and the River with a connection under SR-134 to Headworks, the open area directly downstream of Headworks with a connection under Forest Lawn Drive on the same side of SR-134 with Headworks, and on the left bank of Burbank Western Channel (tributary from the north/west).

This would involve planting a riparian community of cottonwood/willow, sycamore, mugwort, mulefat, and scarlet monkeyflower with a buffer of sagebrush, buckwheat, and native herbaceous plants. It would include irrigation for establishment and water harvesting features to sustain plants, including micro-grading and/or swales to capture and infiltrate water. Water sources could include reclaimed water, harvesting of stormwater and street runoff (with small wetland features at the end of adjacent streets), and/or highway runoff. Where stormwater or street runoff is excessive during storm events, a connection to the River would allow it to overflow into the
channel, creating a hydrologic connection. Soil amendments would be required. Establishment and drought management for this vegetation would utilize irrigation, either through flood irrigation (simulating a natural riparian regime) or drip irrigation, dependent upon the availability of water. There would be no channel modifications within this reach. While there is a levee at the downstream end of this reach, any planting in that area would comply with all levee regulations.

**Reach 2** – Like Alternatives 10, 13, and 16, implementation of the habitat corridors/riparian planting measure would result in restoration of approximately 26 acres of riparian habitat corridors along the overbanks of both sides of the river as described for Reach 1. This includes restoration of riparian habitat in the Bette Davis Park area of Griffith Park on the left bank and the area between Zoo Drive and SR-134 with connections under the highway to a restored linear riparian planting along the River extending into Reach 3. This reach is soft bottom and would include invasives management in the existing vegetation in the channel and on the overbank. Unlike the other alternatives, Alternative 20 would add additional modification in Reach 2. The right bank would be modified from trapezoidal to a vertical bank creating 80 feet of additional soft bottom width in the channel and overhanging vines.

**Reach 3** – In this reach a side channel would divert water from the river into a side channel flowing on the west side of Ferraro Fields and would daylight a stream currently confined in a large culvert just downstream of Ferraro Fields on the right bank in the Zoo Drive area. The side channel would support a riparian fringe, and open water and freshwater marsh will be located in the daylighted area outside of the mainstem of the River channel. Two additional smaller streams would be daylighted on the left bank. These would include a riparian fringe with freshwater marsh at the confluence. Riparian areas are located on the right or west bank along Zoo Drive, on the River’s edge of Ferraro Fields, and between the daylighted streams on the left or east bank. There would be no modifications to the channel itself. In the Verdugo Wash confluence, the channel mouth will be widened and the south slope would be sloped back to the existing overbank elevation. One potential design would use riparian vegetation to stabilize the south bank and a combined riparian and marsh community in the widened channel. Levee protection would be tied-in to the bank, and other levee protection will remain. Levee vegetation policy will be followed. Modifications at the Verdugo Wash confluence are not expected to impact the tracks along San Fernando Road under the 134 Freeway or affect ongoing railroad operations. Modifications at the confluence may affect grade separation proposals for Doran Street. Details for the confluence area will be determined during the detailed design phase of the study. Acquisition of several parcels at the confluence area is anticipated if this feature is included.

**Reach 4** – Restoration in Reach 4 (via implementation of measures to daylight and restore stream geomorphology and habitat in seven areas, a side channel through both the Griffith Park Golf Course on the west and the Los Feliz Golf Course on the east bank, and a riparian habitat corridor) would include approximately 30 acres of restored riparian and wetland habitat. This would be accomplished through a diversion of river flow into a side channel up to 10 feet deep with a riparian fringe through Griffith Park on the right bank, lining the left river bank with a riparian corridor within levee regulation requirements, and daylighting approximately seven small streams.

The riparian corridor measure would involve planting a riparian strip of mugwort and scarlet monkeyflower with a buffer of native herbaceous plants. It would include irrigation for
establishment and water harvesting features to sustain plants, including micro-grading and/or swales to capture and infiltrate water. Water sources could include reclaimed water, harvesting of stormwater and street runoff (with small wetland features at the end of adjacent streets), and/or highway runoff. Where stormwater or street runoff is excessive during storm events, a connection to the river would allow it to overflow into the channel, creating a hydrologic connection. Soil amendments would be required. Establishment and drought management for this vegetation would utilize irrigation, which would be either through flood irrigation (simulating a natural riparian regime) or drip irrigation, dependent upon the availability of water. This would be implemented as continuously as possible within the requirements of levee regulations. There would be no channel modifications within this reach.

The storm drains would be opened and naturalized as tributaries as far upstream as possible (at a minimum opening up the stream within the River right-of-way). Depending upon the length of the daylighted stream, it would be planted with riparian vegetation and end at the confluence with the river in a small freshwater marsh. If it is not possible to design an efficient confluence, the connection to the River would remain gated. Freshwater marsh vegetation would include clustered field sedge, fragrant flatsedge, Parish’s spikerush and common rush, scarlet monkey flower, California bulrush, narrow leaved cattail, and common cattail.

Reach 5 – In Reach 5, the right bank would be modified from a trapezoidal bank to a vertical bank. This would increase the width of the soft bottom river bed by over 100 feet. The top of the bank would be notched and planted with overhanging vines. The left bank would be modified with terraces planted with herbaceous vegetation and necessary erosion measures, which would consist of concrete-lined beds. The inland bank would be planted with riparian vegetation. At the downstream end of this reach, the river will also be widened on the left bank with appropriate erosion control measures in place. This would further increase the natural river bottom area. All of these measures would comply with levee vegetation regulations.

Reach 6 – Reach 6 in this alternative includes riparian corridors and widening of the soft bottom river bed by over 300 feet with additional slope back to the overbank elevation along the reach length approximately 1,000 feet. At the upstream end of the reach, a back water wetland would be developed on a setback bench and there would be a small terraced area at the downstream end of the Bowtie parcel. Freshwater marsh would dominate the new river bed. The banks of the river would be restructured to support overhanging vines and other vegetation. Restructuring the banks may impact the existing roadway used for maintenance access along the east bank of the River. A new road would be provided for SCRRA maintenance crews to allow access to the facilities.

Reach 7 – In Reach 7, the Arroyo Seco tributary would be restored with riparian habitat. This ephemeral stream would have the banks and bed softened for approximately one half mile upstream and would be stabilized with erosion control elements to maintain the existing protection. At the confluence on the upstream edge of the Los Angeles River, a backwater riparian wetland and marsh would be established. Within the River channel itself, the banks would be restructured to support vegetation on the banks. Downstream, freshwater marsh would be restored and connected under a railroad trestle with the right bank of the river channel terraced.
Reach 8 – Reach 8 would be modified with terracing on the right bank upstream of Piggyback Yard and on the left bank downstream of Piggyback Yard. This terracing would be planted with riparian vegetation. The channel would be changed from concrete to soft bottom to support freshwater marsh, and the reach would be widened. The marsh would extend into the Piggyback Yard 500 feet, with riparian area extending another 1,000 feet into Piggyback Yard, gradually sloping up to existing bank elevations. The historical wash would be restored through the property with a riparian fringe as well as other side channels, and river flows would be diverted out of the River into Piggyback Yard creating a large wetland area. A railroad trestle would be included with this alternative to allow the described restoration to occur and allowing for the connection of the river channel and the adjacent restored areas.
2. Expose stormdrain outlets; convert to natural stream confluence
3/5. Create geomorphology and plant for freshwater marsh
10. Divert tributary & river flow into side channels
16. Bioengineer channel walls
17. Habitat corridors/riparian planting on banks
21. Lower channel banks and provide setback levees or vegetated berms
25. Tributary channels/widen channel with concrete removal
26. Terrace banks
27. Modify trap channel to vertical sides
29. Invasive management
Potential Temporary Construction Staging Areas
LEGEND
Sub-Measures
1. Elevate railroads on trestles
2. Expose stormdrain outlets; convert to natural stream confluence
3/5. Create geomorphology and plant for freshwater marsh
6. Rebuild geomorphology for historic wash
10. Divert tributary & river flow into side channels
16. Bioengineer channel walls
17. Habitat corridors/riparian planting on banks
19. Planting built into channel walls
21. Lower channel banks and provide setback levees or vegetated berms
22. Channel banks mainstem/widen channel with concrete removal
26. Terrace banks
28. Invasive management

Potential Temporary Construction Staging Areas
**LEGEND**

**Sub-Measures**

- **Yellow**: Expose stormdrain outlets; convert to natural stream confluence
- **Green**: Create geomorphology and plant for freshwater marsh
- **Blue**: Divert tributary & river flow into side channels
- **Red**: Bioengineer channel walls
- **Purple**: Habitat corridors/riparian planting on banks
- **Orange**: Lower channel banks and provide setback levees or vegetated berms
- **Light Blue**: Tributary channels/widen channel with concrete removal
- **Pink**: Modify trap channel to vertical sides
- **Teal**: Invasive management

**Potential Temporary Construction Staging Areas**
Potential Temporary Construction Staging Areas

LEGEND
Sub-Measures

2. Expose stormdrain outlets; convert to natural stream confluence
3/5. Create geomorphology and plant for freshwater marsh
10. Divert tributary & river flow into side channels
16. Bioengineer channel walls
17. Habitat corridors/riparian planting on banks

21. Lower channel banks and provide setback levees or vegetated berms
25. Tributary channels/widen channel with concrete removal
26. Terrace banks
27. Modify trap channel to vertical sides
29. Invasive management
LEGEND
Sub-Measures

2. Expose stormdrain outlets; convert to natural stream confluence
3/5. Create geomorphology and plant for freshwater marsh
16. Bioengineer channel walls
17. Habitat corridors/riparian planting on banks

19. Planting built into channel walls
22. Channel banks mainstem/widen channel with concrete removal
26. Terrace banks
27. Modify trap channel to vertical sides
29. Invasive management

Potential Temporary Construction Staging Areas
July 16, 2012

Mr. Stephen Dibble, Archaeologist

United States Army Corps of Engineers
Los Angeles District Office
915 Wilshire Boulevard
Los Angeles, CA 90017

Sent by FAX to: (213) 452-4204 and (213) 452-4219
No. of Pages: 4

Re: Request of Sacred Lands File & Native American Contacts List, pursuant to 36 CFR Part 800, Protection of Historic Properties (NHPA Section 106; 16 U.S.C. 470 et seq) for the "Los Angeles River Ecosystem Restoration Project," located on the Los Angeles River near Downtown Los Angeles; Los Angeles County, California.

Dear Mr. Dibble:

The Native American Heritage Commission (NAHC) is the California State ‘Trustee Agency’ pursuant to Public Resources Code §21070 for the protection of California’s Native American Cultural Resources. The NAHC is also a ‘reviewing agency’ for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq), 36 CFR Part 800.3, .5 and are subject to the Tribal and interested Native American consultation as required by the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470; Section 106, [4f], 110 [f] [k], 304). The provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) and its implementation (43 CFR Part 10.2), and California Government Code §27491 may apply to this project if Native American human remains are inadvertently discovered.

The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts and the Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq) are similar to and in many cases more stringent with regard to the ‘significance’ of historic, including Native American items, and archaeological, including Native American items at least equal to the California Environmental Quality Act (CEQA.). In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Statement (EIS).

The NAHC did conduct a Sacred Lands File (SLF) search of its Inventory and Native American cultural resources were identified in the area you specified. Early and quality consultation with the Native American representatives on the attached list may provide detailed information of sites with which they are aware. Also note that the absence of archaeological resources does not preclude their existence, particularly at the subsurface level.

The NAHC Sacred Lands File Inventory of the Native American Heritage Commission is established by the California Legislature pursuant to California Public Resources Code §§5097.94(a) and 5097.96. The NAHC Sacred Lands Inventory is populated by submission to
the data by Native American tribes and Native American elders. In this way it differs from the California and National Register of Historic Places under the jurisdiction of the U.S. Secretary of the Interior.

The NAHC, pursuant to Appendix B of the Guidelines to the California Environmental Quality Act (CEQA) is designated as the agency with expertise in the areas of issues of cultural significance to California Native American communities. Also, in the 1985 California Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites.

Culturally affiliated tribes are to be consulted to determine possible project impacts pursuant to the National Historic Preservation Act, as amended. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. The NAHC recommends as part of ‘due diligence’, that you also contact the nearest Information Center of the California Historical Resources Information System (CHRS) of the State Historic Preservation Office (SHPO) for other possible recorded sites in or near the APE (contact the Office of Historic Preservation at 916-445-7000).

Attached is a list of Native American contacts is attached to assist you pursuanat to Section 800.2(c)(1)(i) and Section 800.2(c)(2); they may have knowledge of cultural resources in the project area. It is advisable to contact the persons listed and seek to establish a ‘trust’ relationship with them; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American individual may be the only source of information about a cultural resource; this is consistent with the NHPA (16 U.S.C. 470 et seq Sections. 106, 110, and 304) Section 106 Guidelines amended in 2009. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful.

NEPA regulations provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a ‘dedicated cemetery. Even though a discovery may be in federal property, California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any groundbreaking activity; in such cases California Government Code §27491 and California Health & Safety Code §7050.5 will apply and construction cease in the affected area.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton

Cc: State Clearinghouse
Native American Contact
Los Angeles County
July 16, 2012

Fernandeno Tataviam Band of Mission Indians
Ronnie Salas, Cultural Preservation Department
1019 - 2nd Street, Suite #1
San Fernando, CA 91340
rsalas@tataviam-nsn.gov
(818) 837-0794 Office
(818) 837-0796 Fax

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Fernandeno Tataviam
Anthony Morales, Chairperson
PO Box 693
San Gabriel, CA 91778
GT Tribal Council@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 - FAX

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles, CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Gabrieleno Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908
Los Angeles, CA 90086
samdunlap@earthlink.net
(909) 262-9351 - cell

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B
Costa Mesa, CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrieleno Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower, CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417 - fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address
Gabrieleno Tongva
tatnlaw@gmail.com
310-570-6567

Gabrieleno-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500
Gabrieleno
Los Angeles, CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrielnotribe.org

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7950.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Los Angeles River Ecosystem Restoration Project; located near Downtown Los Angeles; Los Angeles County, California for which a Sacred Lands File search and Native American Contacts list were requested.
Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles, CA 90067
lcandelaria1@gabrielineoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina, CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Los Angeles River Ecosystem Restoration Project; located near Downtown Los Angeles; Los Angeles County, California for which a Sacred Lands File search and Native American Contacts list were requested.
October 3, 2014

Dr. Josephine R. Axt, Ph.D.
Chief, Planning Division
Department of the Army
Los Angeles District Corps of Engineers
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90001-3401

Re: Section 106 Consultation for the Los Angeles River Ecosystem Restoration Project in Los Angeles County, California.

Dear Dr. Axt:

Thank you for your letter dated September 5, 2014, requesting my review and comment with regard to the proposed Los Angeles River Ecosystem Restoration (LARER) Project. The Army Corps of Engineers (COE) is consulting with me Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act. Along with your consultation letter, you also provided the following document:

- *Los Angeles River Ecosystem Restoration Integrated Feasibility Report, Los Angeles County, California (U.S. Army Corps of Engineers 2013)*

The COE is proposing to restore approximately 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles by reestablishing riparian strand, freshwater marsh, and aquatic habitat communities while maintaining existing levels of flood risk management. A secondary purpose of this project is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile stretch of the river.

Based upon the current proposed project description, the COE has delineated an Area of Potential Effects (APE) that intends to be inclusive of both direct and indirect effects that may result from implementation of the proposed undertaking. The APE identified by the COE is inclusive of the proposed project footprint and physical disturbance areas for river channel and bank alterations, storm drain outlet conversions to natural stream confluences, creation of freshwater marshes, diversions of river flow into side channels, riparian planting, invasive management, re-vegetation, construction of elevated railroad trestles, and all potential temporary construction staging areas. Additionally, to consider potential indirect effects the COE is proposing a 1/8-mile (660-foot) buffer around all identified project features subject to direct ground-disturbing activities.

The COE requested a Sacred Lands File search and a Native American contact list from the Native American Heritage Commission (NAHC) dated July 16, 2012. The NAHC responded by indicating that there are cultural resources within the general area of the proposed APE and the
COE has indicated that they will consult with the organizations and individuals identified on the contact list provided by the NAHC with regard to the proposed APE for this undertaking. Furthermore, the COE has stated that they corresponded with Gabrielino/Tongva representatives prior to publishing the Draft Integrated Feasibility Report and have expressed their commitment to continuing communication with the tribal representatives throughout the life of the LARER Project.

The COE is requesting my comments on the appropriateness of the APE for the proposed undertaking.

- Pursuant to 36 CFR 800.4(a)(1) I have no objection to your definition of the APE for the proposed undertaking as it includes a reasonable and good-faith effort to capture the potential for both direct physical and indirect effects. Please note that the APE should be revised, as necessary, to reflect changes to the project design, should they occur.

Thank you for seeking my comments and considering historic properties as part of your project planning. I look forward to our continued consultation regarding the LARER Project. Be advised that under certain circumstances, such as a change in project description, the COE may have additional future responsibilities for this undertaking under 36 CFR Part 800. If you have any questions, please contact Patrick Riordan of my staff at (916) 445-7017 or Patrick.Riordan@parks.ca.gov.

Sincerely,

Carol Roland-Nawi, PhD
State Historic Preservation Officer
Office of the Chief Planning Division

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

Dear Mr. Fowler:

The U.S. Army Corps of Engineers (Corps), Los Angeles District, is preparing environmental and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project (LARER), along and within the Los Angeles River, Los Angeles County, California. The LARER is an ecosystem restoration project that would create ground and visual disturbance along the River near downtown Los Angeles (enclosure 1).

The Draft Integrated Feasibility Report (IFR) for the proposed project, (which also serves as the Environmental Impact Statement/Environmental Impact Report), was available for public review from September 13, 2013 through November 18, 2013. A CD containing the Draft IFR is enclosed for reference (enclosure 2).

The Draft IFR identified Alternative 13 as the Tentatively Selected Plan. Subsequently, the Corps and the non-federal sponsor (City of Los Angeles) have identified a more comprehensive restoration plan, Alternative 20, as the Locally Preferred Plan. Alternative 20 will be the Recommended Plan in the Final IFR.

The proposed project is to restore approximately 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles by reestablishing riparian strand, freshwater marsh, and aquatic habitat communities while maintaining existing levels of flood risk management. A secondary purpose is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river. A more detailed project description is included as enclosure (enclosure 3).

Based on the current proposed project description, we have delineated an Area of Potential Effects (APE). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the portions of the project that would experience direct ground-disturbing activities. In addition, the APE includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects. Ground disturbance will occur mostly in areas that were previously disturbed by construction of the original concrete lined flood control channel. There are virtually no undisturbed ground surfaces in this highly urbanized environment through the entire reach of the project. Some undisturbed and intact subsurface deposits are still present. As construction would disturb these areas we would include the possibility for encountering buried cultural remains within the vertical APE. The vertical APE varies greatly from a few inches to several feet.
Horizontally we are proposing a one-eighth mile buffer around each depicted feature for noise and visual impacts. For clarity we have depicted the APE (without the one-eighth mile buffer) on both the USGS topographic map, and an aerial view (enclosures 4 and 5). Each measure and project feature is detailed in the legend. In a letter dated September 5, 2014 we initiated the Section 106 process with the California State Historic Preservation Officer (SHPO) by requesting their comments on the appropriateness of the APE for the proposed undertaking (pursuant to §800.4[a][1]). We are awaiting a response.

The Corps requested a Sacred Lands File search and a Native American contact list from the Native American Heritage Commission (NAHC) dated July 16, 2012. The NAHC responded by indicating that there are cultural resources within the general area of the proposed APE (enclosure 6). In addition to this information, we corresponded with the Gabrielino/Tongva prior to publishing the Draft IFR, and they were also sent copies of the document to obtain their concerns during the public review period. No responses were received. Although not Federally Recognized, communication with the Gabrielino/Tongva Tribal contacts will continue throughout the life of the project.

We have decided to pursue a Programmatic Agreement (PA) as the path to Section 106 compliance in accordance with 36 CFR 800.14(b)(ii). This project will be constructed over a number of years, and at this time the information we have is based on a records and literature search. Based on the information we do have, we do not anticipate there will be any Tribal or public controversy. The draft NEPA document that the public reviewed did not generate any significant concerns.

By this letter we are making the notification to ACHP required under 36 CFR 800.6 (a)(1), and giving your office the opportunity to participate. After reviewing Appendix A the 36 CFR 800 we believe that the Council’s participation is not necessary at this time.

Please review the enclosed information, and respond within fifteen days of your receipt of this letter. If we do not hear from you within that period we will assume you do not choose to participate in the PA. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at David.S.Dibble@usace.army.mil.

Sincerely,

[Signature]

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
October 7, 2014

Josephine R. Axt, Ph.D.
Chief, Planning Division
Los Angeles District, Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, CA  90017-3401

Ref:  Proposed Los Angeles River Ecosystem Restoration Project
Los Angeles County, California

Dear Dr. Axt:

On September 22, 2014, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on properties listed on and eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of our regulations, “Protection of Historic Properties” (36 CFR Part 800) does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or another party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the California State Historic Preservation Officer (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Brian Lusher at 202-517-0221, or via email at blusher@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs
September 26, 2014

Office of the Chief
Planning Division

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Dear Dr. Roland-Nawi:

The United States Army Corps of Engineers (Corps), Los Angeles District, is preparing environmental and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project (LARER), along and within the Los Angeles River, Los Angeles County, California. The LARER is an ecosystem restoration project that would create ground and visual disturbance along the Los Angeles River near downtown Los Angeles (COE_2014_0912_001).

In a letter dated September 5, 2014 we initiated consultation on this project by submitting our proposed area of potential effects for your review and comment. Subsequent to that submittal we decided to pursue a programmatic agreement (PA) as our compliance instrument. The draft PA was submitted to Ms. Jessica Tudor by e-mail on September 17, 2014. Ms. Tudor also requested that we formally submit a hard copy by mail. The draft PA is attached for your review and comment. This particular project is a very high priority undertaking for the Corps and we appreciate your assistance.

Please review the draft PA, and respond at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at David.S.Dibble@usace.army.mil.

Sincerely,

[Signature]
Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure
November 18, 2013

Josephine R. Axt, Ph.D.
Chief, Planning Division
U.S. Army Corps of Engineers, Los Angeles District
PO Box 532711
ATTN: Ms. Erin Jones, CES-PD-RN
Los Angeles, CA 90053-2325

RE: Draft Los Angeles Ecosystem Restoration Integrated Feasibility Report (DIFR) for the Los Angeles River Ecosystem Restoration Feasibility Study, Los Angeles County, California

Dear Dr. Axt:

The California Department of Parks and Recreation (California State Parks) has reviewed the above-referenced "Los Angeles River Project" DIFR and appreciates the opportunity to comment.

California State Parks stands with our partner park agencies, the National Park Service and the Santa Monica Mountains Conservancy, in its strong support for Alternative 20. The Los Angeles River Project presents a historic opportunity to reconnect the City of Los Angeles with its natural heritage by linking existing public open spaces, by providing habitat connectivity between the mountains and the river floodplain, and by promoting opportunities for passive outdoor recreation in the most park-poor metropolis in the United States. The community consensus-building and momentum that have resulted from the feasibility study and from other planning efforts over many years call for a bold vision to begin the restoration of what was once a vibrant ecosystem of mountains, rivers and coastal lowlands of almost unequalled biodiversity.

Over the past 12 years, California State Parks has invested over $150 million dollars to bring nature to the city by acquiring and developing three parks in urban Los Angeles: Rio de Los Angeles State Park, Los Angeles State Historic Park and the Baldwin Hills Scenic Overlook. Los Angeles State Historic Park and Rio de Los Angeles State Park were designated by Proposition 12 as Los Angeles River parkway projects.

In partnership with local communities, we have succeeded in preserving over one hundred acres of open space in the most park-poor region of the most park-poor city in the nation. These parks have not only attracted thousands of visitors every year, but have contributed to the economic revitalization of the surrounding communities. California State Parks' investment in these properties indicates that they rise to the level of statewide significance. We further recognize the Los Angeles River as a resource of statewide and national significance due to its cultural and historic role in the
transformation of Los Angeles from a frontier town to the second largest metropolis in the United States. We believe in the river’s potential to transform the city once more through positive economic and environmental impacts that would benefit the entire Los Angeles region.

Los Angeles State Historic Park and Rio de Los Angeles State Park are innovative urban parks that serve low-income, park-poor communities that fought for equal access to parks and green space that are more available to more affluent Los Angeles neighborhoods. As reported by the City Project in *Dreams of Fields: Soccer, Community, and Equal Justice*, the community within a five mile radius of Los Angeles State Historic Park is 68% Latino, 14% Asian, 11% non-Hispanic white, and 4% African American. The population surrounding the park is disproportionately low income, with 30% of the residents living in poverty compared to 14% for the State of California as a whole. The community within a five mile radius of Rio de Los Angeles State Park reflects a similar socio-economic demographic with a 56% Latino, 17% Asian, 20% non-Hispanic white, and 4% African American population. Twenty seven percent of that population lives in poverty, with a median annual household income at just 69% of that for the State.

Los Angeles State Historic Park revives the forgotten history of Los Angeles from Native American times to the present, providing passive and active recreational opportunities in this rare swath of open space in the heart of the city. Rio de Los Angeles State Park features cutting edge wetlands restoration, much-needed athletic fields and community activities. Both of these parks are included as part of the National Park Service Rim of the Valley (ROTV) Corridor Special Resource Study, along with significant acreage in the Verdugo Mountains, also under the stewardship of California State Parks. During the public scoping process for the study, the national significance of the Los Angeles River and adjoining parklands, as well as the wildlife and habitat linkages they provide, was highlighted as a top concern by participants. Public comments received on the preliminary alternative concepts for the ROTV study strongly supported Alternative C (Connecting Urban Parks – SMNRA Boundary Adjustment), particularly in regard to the inclusion of the Los Angeles River and Arroyo Seco Corridors.

Alternative C of the ROTV Study complements existing Los Angeles River revitalization efforts and river parkway projects, of which Los Angeles State Historic Park and Rio De Los Angeles State Park are primary examples. National Park Service technical assistance and leadership in cooperative conservation efforts, coupled with acquisition and management capabilities, would be beneficial as a variety of city, county, state, joint powers, and local non-profit agencies currently work to leverage resources and connect open space along the river. The parcel G-2, currently held by Union Pacific, has long been considered the “crown jewel” in the emerald necklace of Los Angeles River parkway projects. Federal assistance could prove invaluable in the acquisition
and protection of this critical Los Angeles River connection. Alternative 20 is fully consistent with the concerns demonstrated by a large portion of the public in the ROTV study, and there is a tremendous opportunity for the Corps to build on this momentum and offer leadership in this comprehensive restoration effort.

After 12 years of extensive planning and public participation, California State Parks is ready to deliver on its commitment to the community and construct the full 32 acres at Los Angeles State Historic Park, beginning in early 2014. The park construction will happen in tandem with the development of the La Noria Water Wheel project, funded by the Annenberg Foundation, adjacent to the park. Echoing the historic waterwheel once located on North Broadway Street, the La Noria project will pump water from the Los Angeles River to the seasonal wetland portion of Los Angeles State Historic Park. The project will re-establish the site’s physical connection to the historic Los Angeles River flood plain, and this hydrological connection to the river fulfills the vision laid out in the park’s general plan, as stated in the Declaration of Purpose:

"The purpose of Los Angeles State Historic Park is to provide the public with a place to learn and to celebrate the ethnically diverse history and cultural heritage of Los Angeles, with an emphasis on its evolution to an economic and industrial metropolis of the 21st Century with extraordinary influence throughout the world. The park will contribute to the emerging Los Angeles River Greenway, stretching from the San Gabriel Mountains to the Pacific Ocean. The park will bring a wide range of visitors together to examine and experience the complete story of Los Angeles. It will be a sanctuary from the dense, urban environment that surrounds it. The park will connect abstract historical and social patterns to the personal experiences of Angelenos and visitors from the city, the state, the nation, and the world."

California State Parks is working in partnership with the City of Los Angeles and the Department of Toxic Substances Control on clean-up of the Bowie parcel of Rio de Los Angeles State Park to park standard, which has already been identified by the Army Corps through the Los Angeles River Ecosystem Restoration Feasibility Study as the primary location for a demonstration project. The 18.5 acre parcel is large enough to achieve substantial restoration benefits and offers the potential to incorporate riparian bank-to-bank hydrological and habitat connections. The parcel’s use for naturalized open space is consistent with the general plan for Rio de Los Angeles and consistent with the Los Angeles River Revitalization Master Plan’s designation of the parcel as habitat/open space within the “Taylor Yard Opportunity Area.” These projects present a tremendous opportunity for leveraging resources through extended partnerships with the Army Corps and project components offered in Alternative 20. Accordingly, we fully support the funding and implementation of Alternative 20, specifically the direct connection of Los Angeles State Historic Park and a portion of Rio de Los Angeles to the Los Angeles River.
Biological Resources

Riparian and wetland habitats are among those most impacted, due to damage and conversion associated with transportation, agriculture, water infrastructure and other development. Water quality degradation is also typical as the pollution from upgradient areas collects in these habitats. Yet, riparian and wetlands habitats are vital for the health of local fish and wildlife populations, and provide important resources for feeding, breeding, and resting. They also provide key corridors to local and large-scale animal movement that are necessary to avoid inbreeding depression and local extinctions.

Many unique special status species are associated with riparian and wetland habitats and would benefit from restoration of the Los Angeles River. Alternative 20 is preferable because it provides an additional 131 acres of restored and higher quality habitat compared to Alternative 13.

The long-term health of many fish and wildlife populations is dependent upon their ability to access both local and regional resources for food, mates, and sanctuary. Equally important is access to refuges where animal subpopulations can replenish their numbers and genetic diversity after bouts of disease, extreme weather, and decreased resource availability. These resources are even more crucial in intensely developed areas like Los Angeles, where the isolated patch of open space has even more value due to its relative rarity and the convoluted path to reach it. Adjacent development impacts, also known as edge effects, put greater pressures on native species through increased disturbance, disease, exposure to toxins, invasive species impacts and general habitat degradation. Restoration of the Los Angeles River would restore a key artery to the historic system of animal movement in the region and would not only provide increased options for existing wildlife, but vastly improve the future health and expansion of these populations.

The importance of the Los Angeles River for animal movement is supported by National Park Service’s ongoing research tracking carnivores through the Santa Monica Mountains. The Park Service has identified the Los Angeles River as an important corridor for animal movement. Mountain Lion P22, among others, would benefit by having access to the Verdugo Hills via the restoration of the Verdugo Wash proposed only by Alternative 20. We believe that Alternative 20 is clearly the preferred alternative for maximizing animal movement and habitat connectivity. Alternative 20 adds 205% connectedness in the Study Area over Alternative 13. It provides the greatest range of connectivity by providing links to the Verdugo Mountains and associated property managed by California State Parks, Santa Monica Mountains Conservancy and the City of Glendale. It also ensures that the Elysian Hills would be connected to the Los Angeles River via Los Angeles State Historic Park. These benefits are not provided by other project alternatives. Alternative 20 therefore provides the best opportunity to protect and enhance existing animal populations at a regional level in both the short and long term.
The DIFR clearly underlines the importance of maximizing habitat linkages (Appendix G, Section 7.1.2):

"In order to benefit the biological integrity of a landscape, corridors should be restored to allow for dispersal between habitat areas. More corridors equal more routes to suitable habitat, creating more opportunities for dispersal. A complex network of nodes and corridors is therefore critical to restoration in an urban environment, as suitable habitat often remains unused if isolated (Hanski & Thomas 1994)."

In Sections 3.5.4 and 5, the DIFR does not adequately discuss plant and animal species and unique habitats considered sensitive by the State of California, as required by the California Environmental Quality Act (CEQA). These include California Species of Special Concern, California Fully Protected, and species considered local endemics, among other designations. Just one example of this oversight is the silvery legless lizard (Anniella pulchra pulchra). This species is identified as potentially present, and it is a California Species of Concern, yet there is no discussion of how potential impacts to this species could occur during ground disturbing activities, nor is there discussion of how potential impacts be avoided.

We recommend inclusion of the following measures in the section on Best Management Practices for Biological Resources:

- Conduct standard preconstruction surveys for special-status plants at the time of year when they are most likely to be in bloom or most visible to determine presence
- Conduct special-status animal clearance surveys just prior to construction to relocate animals out of harm’s way.

The CHAP scoring and CE/ICA does not capture the regional importance of the project. We are concerned that it appears that total cost is the primary reason Alternative 20 has not been selected. This appears to be in part due to consideration of the relationship of cost to total acres restored or Habitat Units created, rather than the ecological value of the restored acres or resource areas made accessible. Alternative 20 not only significantly increases the quantity of habitat restored compared to Alternative 13, 719 vs. 588 acres, respectively, but creates and provides greater access to more higher quality habitat. We would like to reference and reiterate Santa Monica Mountains Conservancy’s November 5, 2013 comment letter which clearly outlines these concerns. (See the Importance of Biodiversity, Cost Effectiveness and Plan Selection sections).
Specifically:

- Alternative 13 and 20 give the same credit for 113 acres of restoration associated with the Piggyback Yard, yet the restoration and associated ecological benefits are significantly greater under Alternative 20.
- At the Los Angeles State Historic Park ("Cornfield") location, Alternative 20 has significant ecological improvements over Alternative 13.
- Alternative 20 is identified as a "Best-Buy" in the CE/ICA, and is the only alternative that provides linkages to the Verdugo Mountains and Elysian Hills.
- Alternative 20 is efficient, the most complete, the most effective, and the best alternative at recreating natural processes that are needed to facilitate a self-sustaining system within the project area and throughout the region over the long term.
- Alternative 20 best complies with the goal of the Water Resources Development Act of 2007 to develop a plan "consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles..."
- As discussed in Appendix G, Section 7, three key project benefits have been excluded from the CHAP analysis: habitat connectivity, hydrologic and hydraulic connectivity of the Los Angeles River to its floodplain and human benefit.

Since the basis for the tentative selection of Alternative 13 is the relation of the total Habitat Units resulting from each alternative divided by the total cost, it is unacceptable to exclude habitat and hydraulic and hydrological connectivity from the equation. Incorporation of these factors must occur to provide clarity on the true cost/benefit relationship of the four project alternatives. Potential approaches to modifying the calculation of HUs could include:

- Differentiation of the relative ecological benefits of the restored habitat via modifiers to determine the value of the final restored area.
- Quantification of acres of significant habitat made available via corridor connections.
- Quantification of cumulative length of corridors connected or created or percent increase of corridors provided as an HU input.
- Weighting of HU outputs to consider direct human benefits. Specifically, building upon past investments in the project area, better connecting existing open space areas to the project area, quantified by acres or annual visitors, and direct economic benefits as calculated in the DIFR.

Cultural Resources

Los Angeles State Historic Park is designated as Los Angeles Historical Cultural Landmark (HCM) No. 82 River Station Area/Southern Pacific Railroad. Throughout the DIFR document, the property is referred to as the "Cornfields." Although we understand
that this was a previous nickname for the property, the origins of the name can only be traced back to the 1980’s definitively, and thus does not represent the true historical designation. Instead, the study should refer to this area by the current name, Los Angeles State Historic Park, or the historical name, River Station. We believe that these are more appropriate terms and better connect the property to the origins of Los Angeles and the association with the Los Angeles River.

The site is historically significant with known significant archaeological resources. Archaeological features in the park, along with adjacent historical properties, are indicative of the importance of this site with regard to the industrial development and the rapid urban expansion of Los Angeles. Cultural resource identification efforts are preliminary at this point, and it is unclear in the DIFR document at what point additional background research, field survey and evaluation are to be undertaken. As a result, it is nearly impossible to provide comment on resource identification level of effort and potential for adverse effects. There should be additional opportunities made available for public comment through the Section 106 process to ensure that project effects on historic properties are being accounted for.

We recommend that additional background research efforts include analysis of ethnographic village locations in order to access the potential for encountering buried archaeological deposits within a region that experienced development early in time. This was an issue encountered during construction of the nearby Metropolitan Water District building where both Native American and historic-period archaeological materials were both anticipated and found based on previous research. As well, more detailed sources of historic map data, such as Sanborn fire insurance maps readily available at the City of LA Public Library, should be consulted, in addition to the historic topographic maps thus far consulted. Geomorphic studies of the historic configuration of the riverbed would also assist in determining the potential for encountering subsurface archaeological resources.

Additional archaeological testing has been conducted at Los Angeles State Historic Park in recent years in association with planning efforts for the next phase of park development. All of these data can be made available to the cultural resources consultant conducting additional identification efforts for the Los Angeles River restoration project. Additionally, geophysical survey methods, including ground-penetrating radar, magnetometer, gradiometer and resistivity, have proven to be quite successful in identifying subsurface historic-period features at the park, and we encourage the use of these methods in resource identification efforts throughout the developed Los Angeles River project restoration area where historic map data suggest the possibility for encountering features.

We believe it is preliminary to make any determinations on the level of potential for encountering cultural resources within all of the analyzed study reaches based on the limited background research conducted to date. As noted in the comments above, and
acknowledged in Section 5.6.4 in the DIFR, substantial additional research, testing, and evaluation will have to be conducted prior to any determination of effects from the proposed alternatives on historic properties with the study Area of Potential Effect (APE). We concur that development of a Programmatic Agreement will help to address some of our concerns noted above.

Thank you for the opportunity to comment on this project. Please contact Jamie King, Environmental Scientist at Jamie.King@parks.ca.gov or 818.880.0373, if clarifications are required.

Sincerely,

Craig Sap
State Parks
Angeles District Superintendent
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 632711
LOS ANGELES, CALIFORNIA 90063-2715

September 21, 2012

Office of the Chief
Planning Division

Mr. Ronnie Salas
Fernandeno Tataviam Band of Mission Indians
Cultural Preservation Department
1019 2nd Street, Suite #1
San Fernando, California 91340

Dear Mr. Salas:

The Los Angeles District, Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project located within the City of Los Angeles, in Los Angeles County (enclosure 1). The proposed project would provide restoration of riparian and aquatic habitat along portions of the Los Angeles River.

The purpose of this letter is to request your initial input by providing us with information on traditional cultural properties or other resources of concern that might be present within or near the project area. Any other comments or concerns are appreciated. This will not be your only opportunity to comment on the proposed project. A draft EIS detailing all considered alternatives is being prepared and a copy will be sent to you for further comment. This request is being sent to all names provided by the Native American Heritage Commission (enclosure 2).

Please review the enclosed map, and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at david.s.dibble@usace.army.mil.

Sincerely,

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
September 21, 2012

Mr. Ron Andrade, Director
LA City/County Native American Indian Commission
3175 West 6th Street, Room, 403
Los Angeles, California 90020

Dear Mr. Andrade:

The Los Angeles District, Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project located within the City of Los Angeles, in Los Angeles County (enclosure 1). The proposed project would provide restoration of riparian and aquatic habitat along portions of the Los Angeles River.

The purpose of this letter is to request your initial input by providing us with information on traditional cultural properties or other resources of concern that might be present within or near the project area. Any other comments or concerns are appreciated. This will not be your only opportunity to comment on the proposed project. A draft EIS detailing all considered alternatives is being prepared and a copy will be sent to you for further comment. This request is being sent to all names provided by the Native American Heritage Commission (enclosure 2).

Please review the enclosed map, and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at david.s.dibble@usace.army.mil.

Sincerely,

[Signature]
Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
September 21, 2012

Mr. Robert Dorame, Tribal Chair
Gabrielino Tongva Indians of California
P.O.Box 490
Bellflower, California 90707

Dear Mr. Dorame:

The Los Angeles District, Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project located within the City of Los Angeles, in Los Angeles County (enclosure 1). The proposed project would provide restoration of riparian and aquatic habitat along portions of the Los Angeles River.

The purpose of this letter is to request your initial input by providing us with information on traditional cultural properties or other resources of concern that might be present within or near the project area. Any other comments or concerns are appreciated. This will not be your only opportunity to comment on the proposed project. A draft EIS detailing all considered alternatives is being prepared and a copy will be sent to you for further comment. This request is being sent to all names provided by the Native American Heritage Commission (enclosure 2).

Please review the enclosed map, and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at david.s.dibble@usace.army.mil.

Sincerely,

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
September 21, 2012

Mr. Bernie Acuna
Gabrielino-Tongva Tribe
1875 Century Park East, #1500
Los Angeles, California 90067

Dear Mr. Acuna:

The Los Angeles District, Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project located within the City of Los Angeles, in Los Angeles County (enclosure 1). The proposed project would provide restoration of riparian and aquatic habitat along portions of the Los Angeles River.

The purpose of this letter is to request your initial input by providing us with information on traditional cultural properties or other resources of concern that might be present within or near the project area. Any other comments or concerns are appreciated. This will not be your only opportunity to comment on the proposed project. A draft EIS detailing all considered alternatives is being prepared and a copy will be sent to you for further comment. This request is being sent to all names provided by the Native American Heritage Commission (enclosure 2).

Please review the enclosed map, and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at david.s.dibble@usace.army.mil.

Sincerely,

[Signature]
Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
Office of the Chief  
Planning Division  

September 21, 2012

Mr. Sam Dunlap, Chairperson  
Gabrielino Tongva Nation  
P.O. Box 86908  
Los Angeles, California 90086

Dear Mr. Dunlap:

The Los Angeles District, Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project located within the City of Los Angeles, in Los Angeles County (enclosure 1). The proposed project would provide restoration of riparian and aquatic habitat along portions of the Los Angeles River.

The purpose of this letter is to request your initial input by providing us with information on traditional cultural properties or other resources of concern that might be present within or near the project area. Any other comments or concerns are appreciated. This will not be your only opportunity to comment on the proposed project. A draft EIS detailing all considered alternatives is being prepared and a copy will be sent to you for further comment. This request is being sent to all names provided by the Native American Heritage Commission (enclosure 2).

Please review the enclosed map, and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at david.s.dibble@usace.army.mil.

Sincerely,

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
September 21, 2012

Ms. Cindi M. Alvitre, Chairwoman
Ti’At Society/Inter-Tribal Council of Pimu
3094 Mace Avenue, Apt. B
Costa Mesa, California 92626

Dear Ms. Alvitre:

The Los Angeles District, Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project located within the City of Los Angeles, in Los Angeles County (enclosure 1). The proposed project would provide restoration of riparian and aquatic habitat along portions of the Los Angeles River.

The purpose of this letter is to request your initial input by providing us with information on traditional cultural properties or other resources of concern that might be present within or near the project area. Any other comments or concerns are appreciated. This will not be your only opportunity to comment on the proposed project. A draft EIS detailing all considered alternatives is being prepared and a copy will be sent to you for further comment. This request is being sent to all names provided by the Native American Heritage Commission (enclosure 2).

Please review the enclosed map, and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at david.s.dibble@usace.army.mil.

Sincerely,

[Signature]

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
Mr. Anthony Morales, Chairperson  
San Gabriel Band of Mission Indians  
P.O. Box 693  
San Gabriel, California 91778

Dear Mr. Morales:

The Los Angeles District, Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project located within the City of Los Angeles, in Los Angeles County (enclosure 1). The proposed project would provide restoration of riparian and aquatic habitat along portions of the Los Angeles River.

The purpose of this letter is to request your initial input by providing us with information on traditional cultural properties or other resources of concern that might be present within or near the project area. Any other comments or concerns are appreciated. This will not be your only opportunity to comment on the proposed project. A draft EIS detailing all considered alternatives is being prepared and a copy will be sent to you for further comment. This request is being sent to all names provided by the Native American Heritage Commission (enclosure 2).

Please review the enclosed map, and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at david.s.dibble@usace.army.mil.

Sincerely,

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
July 16, 2012

Mr. Stephen Dibble, Archaeologist

United States Army Corps of Engineers
Los Angeles District Office
915 Wilshire Boulevard
Los Angeles, CA 90017

Sent by FAX to: (213) 452-4204 and (213) 452-4219
No. of Pages: 4

Re: Request of Sacred Lands File & Native American Contacts List, pursuant to 36 CFR Part 800, Protection of Historic Properties (NHPA Section 106; 16 U.S.C. 470 et seq) for the "Los Angeles River Ecosystem Restoration Project," located on the Los Angeles River near Downtown Los Angeles; Los Angeles County, California.

Dear Mr. Dibble:

The Native American Heritage Commission (NAHC) is the California State 'Trustee Agency' pursuant to Public Resources Code §21070 for the protection of California’s Native American Cultural Resources. The NAHC is also a 'reviewing agency' for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq), 36 CFR Part 800.3, .5 and are subject to the Tribal and interested Native American consultation as required by the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470; Section 106, [4f], 110 [f] [k], 304). The provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) and its implementation (43 CFR Part 10.2), and California Government Code §27491 may apply to this project if Native American human remains are inadvertently discovered.

The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts and the Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq) are similar to and in many cases more stringent with regard to the 'significance' of historic, including Native American items, and archaeological, including Native American items at least equal to the California Environmental Quality Act (CEQA.). In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Statement (EIS).

The NAHC did conduct a Sacred Lands File (SLF) search of its inventory and Native American cultural resources were identified in the area you specified. Early and quality consultation with the Native American representatives on the attached list may provide detailed information of sites with which they are aware. Also note that the absence of archaeological resources does not preclude their existence, particularly at the subsurface level.

The NAHC Sacred Lands File Inventory of the Native American Heritage Commission is established by the California Legislature pursuant to California Public Resources Code §§5097.94(a) and 5097.96. The NAHC Sacred Lands Inventory is populated by submission to
the data by Native American tribes and Native American elders. In this way it differs from the California and National Register of Historic Places under the jurisdiction of the U.S. Secretary of the Interior.

The NAHC, pursuant to Appendix B of the Guidelines to the California Environmental Quality Act (CEQA) is designated as the agency with expertise in the areas of issues of cultural significance to California Native American communities. Also, in the 1985 California Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites.

Culturally affiliated tribes are to be consulted to determine possible project impacts pursuant to the National Historic Preservation Act, as amended. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once the project is underway. The NAHC recommends as part of ‘due diligence’, that you also contact the nearest Information Center of the California Historical Resources Information System (CHRSIS) of the State Historic Preservation Office (SHPO) for other possible recorded sites in or near the APE (contact the Office of Historic Preservation at 916-445-7000).

Attached is a list of Native American contacts is attached to assist you pursuant to Section 800.2(c)(1);(i) and Section 800.2(c)(2); they may have knowledge of cultural resources in the project area. It is advisable to contact the persons listed and seek to establish a ‘trust’ relationship with them; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American individual may be the only source of information about a cultural resource; this is consistent with the NHPA (16 U.S.C. 470 et seq Sections. 106, 110, and 304) Section 106 Guidelines amended in 2009. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful.

NEPA regulations provide for provisions for accidentally discovered archaeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a ‘dedicated cemetery. Even though a discovery may be in federal property, California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any groundbreaking activity; in such cases California Government Code §27491 and California Health & Safety Code §7050.5 will apply and construction cease in the affected area.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton

Cc: State Clearinghouse
Native American Contact
Los Angeles County
July 16, 2012

Fernandeno Tataviam Band of Mission Indians
Ronnie Salas, Cultural Preservation Department
1019 - 2nd Street, Suite #1
San Fernando, CA 91340
rsalas@tataviam-nsn.gov
(818) 837-0794 Office
(818) 837-0796 Fax

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles, CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Albire, Chairwoman-Manisar
3094 Mace Avenue, Apt. B
Costa Mesa, CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address

tattnlaw@gmail.com
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693
San Gabriel, CA 91778
GT Tribal council@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1626 - FAX

Gabrieleno Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 88908
Los Angeles, CA 90006
samdunlap@earthlink.net
(909) 262-9351 - cell

Gabrieleno Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Belflower, CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417 - fax

Gabrieleno-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500
Los Angeles, CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrielinotribe.org

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7550.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Los Angeles River Ecosystem Restoration Project; located near Downtown Los Angeles; Los Angeles County, California for which a Sacred Lands File search and Native American Contacts list were requested.
Gabrielino-Tongva Tribe  
Linda Candelaria, Chairwoman  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
lcandelaria1@gabrielinoTribe.org  
626-676-1184- cell  
(310) 587-0170 - FAX

Gabrieleno Band of Mission Indians  
Andrew Salas, Chairperson  
P.O. Box 393 Gabrielino  
Covina , CA 91723  
(626) 926-4131  
gabrielenoindians@yahoo.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Los Angeles River Ecosystem Restoration Project; located near Downtown Los Angeles; Los Angeles County, California for which a Sacred Lands File search and Native American Contacts list were requested.
Dear Mr. Salas:

The U.S. Army Corps of Engineers (Corps), Los Angeles District, is preparing environmental and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project (LARER), along and within the Los Angeles River, Los Angeles County, California. The LARER is an ecosystem restoration project that would create ground and visual disturbance along the River near downtown Los Angeles (enclosure 1).

The Draft Integrated Feasibility Report (IFR) for the proposed project, (which also serves as the Environmental Impact Statement/Environmental Impact Report), was available for public review from September 13, 2013 through November 18, 2013. A CD containing the Draft IFR is enclosed for reference (enclosure 2).

The Draft IFR identified Alternative 13 as the Tentatively Selected Plan. Subsequently, the Corps and the non-federal sponsor (City of Los Angeles) have identified a more comprehensive restoration plan, Alternative 20, as the Locally Preferred Plan. Alternative 20 will be the Recommended Plan in the Final IFR.

The proposed project is to restore approximately 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles by reestablishing riparian strand, freshwater marsh, and aquatic habitat communities while maintaining existing levels of flood risk management. A secondary purpose is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river. A more detailed project description is included in enclosure 3.

Based on the current proposed project description, we have delineated an Area of Potential Effects (APE). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the portions of the project that would experience direct ground-disturbing activities. In addition, the APE includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects. Ground disturbance will occur mostly in areas that were previously disturbed by construction of the original concrete lined flood control channel. There are virtually no undisturbed ground surfaces in this highly urbanized environment through the entire reach of the
project. Some undisturbed and intact subsurface deposits may still be present. As construction may disturb these areas we would include the possibility for encountering buried cultural remains within the vertical APE. The vertical APE varies greatly from a few inches to several feet. Horizontally we are proposing a one-eighth mile buffer around each depicted feature for noise and visual impacts. For clarity we have depicted the APE (without the one-eighth mile buffer) on both the USGS topographic map, and an aerial view (enclosures 4 and 5). Each measure and project feature is detailed in the legend. In a letter dated September 5, 2014 we initiated the Section 106 process with the California State Historic Preservation Officer (SHPO) by requesting their comments on the appropriateness of the APE for the proposed undertaking (pursuant to §800.4[a][1]). SHPO has not responded as of the date of this letter.

The Corps requested a Sacred Lands File search and a Native American contact list from the Native American Heritage Commission (NAHC) dated July 16, 2012. The NAHC responded by indicating that there are cultural resources within the general area of the proposed APE (Enclosure 6). In addition to this information, we corresponded with the Gabrieleno/Tongva prior to publishing the Draft IFR, and they were also sent copies of the document to obtain their concerns during the public review period. No responses were received. Although not Federally Recognized, communication with the Gabrieleno/Tongva Tribal contacts will continue throughout the life of the project.

We have decided to pursue a Programmatic Agreement as the path to Section 106 compliance in accordance with 36 CFR 800.14(b)(ii). This project will be constructed over a number of years, and at this time the information we have is based on a records and literature search.

With this letter we are requesting your comments on the APE and draft PA (enclosure 7).

Please review the enclosed information, and respond at your earliest convenience. Preferably we would appreciate a response within thirty days. However, we will consider and respond to your comments throughout the life of the project. If you have any further questions on this project please call John J. Killeen, R.P.A. at (213) 452-3861. He may also be reached by e-mail at john.j.killeen@usace.army.mil.

Sincerely,

Josephine Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
December 12, 2014

Office of the Chief
Planning Division

Mr. Ronnie Salas
Cultural Preservation Department
Fernadeno Taraviam Band of Mission Indians
1019 - 2nd Street

Dear Mr. Salas:

The U.S. Army Corps of Engineers (Corps), Los Angeles District, is preparing environmental and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project (LARER), along and within the Los Angeles River, Los Angeles County, California. The LARER is an ecosystem restoration project that would create ground and visual disturbance along the River near downtown Los Angeles (enclosure 1).

The Draft Integrated Feasibility Report (IFR) for the proposed project, (which also serves as the Environmental Impact Statement/Environmental Impact Report), was available for public review from September 13, 2013 through November 18, 2013. A CD containing the Draft IFR is enclosed for reference (enclosure 2).

The Draft IFR identified Alternative 13 as the Tentatively Selected Plan. Subsequently, the Corps and the non-federal sponsor (City of Los Angeles) have identified a more comprehensive restoration plan, Alternative 20, as the Locally Preferred Plan. Alternative 20 will be the Recommended Plan in the Final IFR.

The proposed project is to restore approximately 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles by reestablishing riparian strand, freshwater marsh, and aquatic habitat communities while maintaining existing levels of flood risk management. A secondary purpose is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river. A more detailed project description is included in enclosure 3.

Based on the current proposed project description, we have delineated an Area of Potential Effects (APE). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the portions of the project that would experience direct ground-disturbing activities. In addition, the APE includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects. Ground disturbance will occur mostly in areas that were previously disturbed by construction of the original concrete lined flood control channel. There are virtually no undisturbed ground surfaces in this highly urbanized environment through the entire reach of the
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We have decided to pursue a Programmatic Agreement as the path to Section 106 compliance in accordance with 36 CFR 800.14(b)(ii). This project will be constructed over a number of years, and at this time the information we have is based on a records and literature search.

With this letter we are requesting your comments on the APE and draft PA (enclosure 7).

Please review the enclosed information, and respond at your earliest convenience. Preferably we would appreciate a response within thirty days. However, we will consider and respond to your comments throughout the life of the project. If you have any further questions on this project please call John J. Killeen, R.P.A. at (213) 452-3861. He may also be reached by e-mail at john.j.killeen@usace.army.mil.

Sincerely,

[Signature]

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
Office of the Chief
Planning Division

Mr. Ron Andrade
Director
Los Angeles City
and County Native American Indian Commission
3175 West 6th Street, Room 403
Los Angeles, California 90020

Dear Mr. Andrade:

The U.S. Army Corps of Engineers (Corps), Los Angeles District, is preparing environmental and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project (LARER), along and within the Los Angeles River, Los Angeles County, California. The LARER is an ecosystem restoration project that would create ground and visual disturbance along the River near downtown Los Angeles (enclosure 1).

The Draft Integrated Feasibility Report (IFR) for the proposed project, (which also serves as the Environmental Impact Statement/Environmental Impact Report), was available for public review from September 13, 2013 through November 18, 2013. A CD containing the Draft IFR is enclosed for reference (enclosure 2).

The Draft IFR identified Alternative 13 as the Tentatively Selected Plan. Subsequently, the Corps and the non-federal sponsor (City of Los Angeles) have identified a more comprehensive restoration plan, Alternative 20, as the Locally Preferred Plan. Alternative 20 will be the Recommended Plan in the Final IFR.

The proposed project is to restore approximately 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles by reestablishing riparian strand, freshwater marsh, and aquatic habitat communities while maintaining existing levels of flood risk management. A secondary purpose is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river. A more detailed project description is included in enclosure 3.

Based on the current proposed project description, we have delineated an Area of Potential Effects (APE). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the portions of the project that would experience direct ground-disturbing activities. In addition, the APE includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects. Ground disturbance will occur mostly in areas that were previously disturbed by
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Sincerely,

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
915 Wilshire Boulevard, Suite 500
LOS ANGELES, CALIFORNIA 90017-3401

December 12, 2014

Office of the Chief
Planning Division

Mr. Craig Sap
District Superintendent
Angeles and Channel Coast Districts
California State Parks
1925 Las Virgenes Road
Calabasas, California 91302

Dear Mr. Sap:

The U.S. Army Corps of Engineers (Corps), Los Angeles District, is preparing environmental and cultural resources documentation for the proposed Los Angeles River Ecosystem Restoration Project (LARER), along and within the Los Angeles River, Los Angeles County, California. The LARER is an ecosystem restoration project that would create ground and visual disturbance along the River near downtown Los Angeles (enclosure 1).

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Sincerely,

[Signature]

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
Office of the Chief
Planning Division

December 12, 2014

Ms. Cindi M. Alvitre
Chairwoman-Manisar
Ti’At Society/Inter-Tribal Council of Pimu
3094 Mace Avenue, Apartment B
Costa Mesa, California 92626

Dear Ms. Alvitre:

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Based on the current proposed project description, we have delineated an Area of Potential Effects (APE). The APE includes both direct and indirect effects that may occur from implementation of the undertaking. The enclosed APE map designates the portions of the project that would experience direct ground-disturbing activities. In addition, the APE includes a reasonable and good-faith effort to capture the potential for visual, auditory, and other non-direct effects. Ground disturbance will occur mostly in areas that were previously disturbed by construction of the original concrete lined flood control channel. There are virtually no
undisturbed ground surfaces in this highly urbanized environment through the entire reach of the project. Some undisturbed and intact subsurface deposits may still be present. As construction may disturb these areas we would include the possibility for encountering buried cultural remains within the vertical APE. The vertical APE varies greatly from a few inches to several feet. Horizontally we are proposing a one-eighth mile buffer around each depicted feature for noise and visual impacts. For clarity we have depicted the APE (without the one-eighth mile buffer) on both the USGS topographic map, and an aerial view (enclosures 4 and 5). Each measure and project feature is detailed in the legend. In a letter dater September 5, 2014 we initiated the Section 106 process with the California State Historic Preservation Officer (SHPO) by requesting their comments on the appropriateness of the APE for the proposed undertaking (pursuant to §800.4[a][1]). SHPO has not responded as of the date of this letter.

The Corps requested a Sacred Lands File search and a Native American contact list from the Native American Heritage Commission (NAHC) dated July 16, 2012. The NAHC responded by indicating that there are cultural resources within the general area of the proposed APE (Enclosure 6). In addition to this information, we corresponded with the Gabrielino/Tongva prior to publishing the Draft IFR, and they were also sent copies of the document to obtain their concerns during the public review period. No responses were received. Although not Federally Recognized, communication with the Gabrielino/Tongva Tribal contacts will continue throughout the life of the project.

We have decided to pursue a Programmatic Agreement as the path to Section 106 compliance in accordance with 36 CFR 800.14(b)(ii). This project will be constructed over a number of years, and at this time the information we have is based on a records and literature search.

With this letter we are requesting your comments on the APE and draft PA (enclosure 7).

Please review the enclosed information, and respond at your earliest convenience. Preferably we would appreciate a response within thirty days. However, we will consider and respond to your comments throughout the life of the project. If you have any further questions on this project please call John J. Killeen, R.P.A. at (213) 452-3861. He may also be reached by e-mail at john.j.killeen@usace.army.mil.

Sincerely,

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure(s)
Alternative 20 ARBOR Riparian Integration via Varied Ecological Reintroduction (RIVER)

This alternative provides the most extensive restoration and includes measures in all eight reaches with channel widening at Verdugo Wash, Arroyo Seco, Cornfield/LA State Historic Park, and Piggyback Yard. Features of Alternative 20 are similar to those included in Alternative 13, but are more extensive in scope. Sub-measures under this alternative would be implemented in all reaches (1-8) throughout the study area and include:

- Riparian planting of habitat corridors (reaches 1,2,3,4,5,6,7,8)
- Bioengineer channel walls (reach 5)
- Trapezoidal to vertical walls (reaches 2,5)
- Create/rebuild channel geomorphology (reaches 3,4,5,7,8)
- Divert flow into channels (reaches 3,4,7,8)
- Widen channel (reach 3,8)
- Widen tributaries (reach 3)
- Expose/daylight stormdrain outlets (reaches 4,5,7)
- Channel bed deepening (reach 5)
- Terrace banks (reaches 5,6,7, 8)
- Elevate railroad (reaches 7,8)

Reach 1 – Reach 1 for all alternatives in the final array would implement the habitat corridor with riparian planting on the overbanks. This would restore approximately 60 acres of riparian habitat corridors along the overbanks of both sides of the river. Overbanks are those areas adjacent to the river where overland flow in flood events could occur in a natural river environment. Areas of restoration include Pollywog Park, the bank between Headworks and the River with a connection under SR-134 to Headworks, the open area directly downstream of Headworks with a connection under Forest Lawn Drive on the same side of SR-134 with Headworks, and on the left bank of Burbank Western Channel (tributary from the north/west).

This would involve planting a riparian community of cottonwood/willow, sycamore, mugwort, mulefat, and scarlet monkeyflower with a buffer of sagebrush, buckwheat, and native herbaceous plants. It would include irrigation for establishment and water harvesting features to sustain plants, including micro-grading and/or swales to capture and infiltrate water. Water sources could include reclaimed water, harvesting of stormwater and street runoff (with small wetland features at the end of adjacent streets), and/or highway runoff. Where stormwater or street runoff is excessive during storm events, a connection to the River would allow it to overflow into the
channel, creating a hydrologic connection. Soil amendments would be required. Establishment and drought management for this vegetation would utilize irrigation, either through flood irrigation (simulating a natural riparian regime) or drip irrigation, dependent upon the availability of water. There would be no channel modifications within this reach. While there is a levee at the downstream end of this reach, any planting in that area would comply with all levee regulations.

Reach 2 – Like Alternatives 10, 13, and 16, implementation of the habitat corridors/riparian planting measure would result in restoration of approximately 26 acres of riparian habitat corridors along the overbanks of both sides of the river as described for Reach 1. This includes restoration of riparian habitat in the Bette Davis Park area of Griffith Park on the left bank and the area between Zoo Drive and SR-134 with connections under the highway to a restored linear riparian planting along the River extending into Reach 3. This reach is soft bottom and would include invasives management in the existing vegetation in the channel and on the overbank. Unlike the other alternatives, Alternative 20 would add additional modification in Reach 2. The right bank would be modified from trapezoidal to a vertical bank creating 80 feet of additional soft bottom width in the channel with overhanging vines.

Reach 3 – In this reach a side channel would divert water from the river into a side channel flowing on the west side of Ferraro Fields and would daylight a stream currently confined in a large culvert just downstream of Ferraro Fields on the right bank in the Zoo Drive area. The side channel would support a riparian fringe, and open water and freshwater marsh will be located in the daylighted area outside of the mainstem of the River channel. Two additional smaller streams would be daylighted on the left bank. These would include a riparian fringe with freshwater marsh at the confluence. Riparian areas are located on the right or west bank along Zoo Drive, on the River’s edge of Ferraro Fields, and between the daylighted streams on the left or east bank. There would be no modifications to the channel itself. In the Verdugo Wash confluence, the channel mouth will be widened and the south slope would be sloped back to the existing overbank elevation. One potential design would use riparian vegetation to stabilize the south bank and a combined riparian and marsh community in the widened channel. Levee protection would be tied-in to the bank, and other levee protection will remain. Levee vegetation policy will be followed. Modifications at the Verdugo Wash confluence are not expected to impact the tracks along San Fernando Road under the 134 Freeway or affect ongoing railroad operations. Modifications at the confluence may affect grade separation proposals for Doran Street. Details for the confluence area will be determined during the detailed design phase of the study. Acquisition of several parcels at the confluence area is anticipated if this feature is included.

Reach 4 – Restoration in Reach 4 (via implementation of measures to daylight and restore stream geomorphology and habitat in seven areas, a side channel through both the Griffith Park Golf Course on the west and the Los Feliz Golf Course on the east bank, and a riparian habitat corridor) would include approximately 30 acres of restored riparian and wetland habitat. This would be accomplished through a diversion of river flow into a side channel up to 10 feet deep with a riparian fringe through Griffith Park on the right bank, lining the left river bank with a riparian corridor within levee regulation requirements, and daylighting approximately seven small streams.

The riparian corridor measure would involve planting a riparian strip of mugwort and scarlet monkeyflower with a buffer of native herbaceous plants. It would include irrigation for
establishment and water harvesting features to sustain plants, including micro-grading and/or swales to capture and infiltrate water. Water sources could include reclaimed water, harvesting of stormwater and street runoff (with small wetland features at the end of adjacent streets), and/or highway runoff. Where stormwater or street runoff is excessive during storm events, a connection to the river would allow it to overflow into the channel, creating a hydrologic connection. Soil amendments would be required. Establishment and drought management for this vegetation would utilize irrigation, which would be either through flood irrigation (simulating a natural riparian regime) or drip irrigation, dependent upon the availability of water. This would be implemented as continuously as possible within the requirements of levee regulations. There would be no channel modifications within this reach.

The storm drains would be opened and naturalized as tributaries as far upstream as possible (at a minimum opening up the stream within the River right-of-way). Depending upon the length of the daylighted stream, it would be planted with riparian vegetation and end at the confluence with the river in a small freshwater marsh. If it is not possible to design an efficient confluence, the connection to the River would remain gated. Freshwater marsh vegetation would include clustered field sedge, fragrant flatsedge, Parish’s spikerush and common rush, scarlet monkey flower, California bulrush, narrow leaved cattail, and common cattail.

Reach 5 – In Reach 5, the right bank would be modified from a trapezoidal bank to a vertical bank. This would increase the width of the soft bottom river bed by over 100 feet. The top of the bank would be notched and planted with overhanging vines. The left bank would be modified with terraces planted with herbaceous vegetation and necessary erosion measures, which would consist of concrete-lined beds. The inland bank would be planted with riparian vegetation. At the downstream end of this reach, the river will also be widened on the left bank with appropriate erosion control measures in place. This would further increase the natural river bottom area. All of these measures would comply with levee vegetation regulations.

Reach 6 – Reach 6 in this alternative includes riparian corridors and widening of the soft bottom river bed by over 300 feet with additional slope back to the overbank elevation along the reach length approximately 1,000 feet. At the upstream end of the reach, a back water wetland would be developed on a setback bench and there would be a small terraced area at the downstream end of the Bowtie parcel. Freshwater marsh would dominate the new river bed. The banks of the river would be restructured to support overhanging vines and other vegetation. Restructuring the banks may impact the existing roadway used for maintenance access along the east bank of the River. A new road would be provided for SCRRRA maintenance crews to allow access to the facilities.

Reach 7 – In Reach 7, the Arroyo Seco tributary would be restored with riparian habitat. This ephemeral stream would have the banks and bed softened for approximately one half mile upstream and would be stabilized with erosion control elements to maintain the existing protection. At the confluence on the upstream edge of the Los Angeles River, a backwater riparian wetland and marsh would be established. Within the River channel itself, the banks would be restructured to support vegetation on the banks. Downstream, freshwater marsh would be restored and connected under a railroad trestle with the right bank of the river channel terraced.
Reach 8 – Reach 8 would be modified with terracing on the right bank upstream of Piggyback Yard and on the left bank downstream of Piggyback Yard. This terracing would be planted with riparian vegetation. The channel would be changed from concrete to soft bottom to support freshwater marsh, and the reach would be widened. The marsh would extend into the Piggyback Yard 500 feet, with riparian area extending another 1,000 feet into Piggyback Yard, gradually sloping up to existing bank elevations. The historical wash would be restored through the property with a riparian fringe as well as other side channels, and river flows would be diverted out of the River into Piggyback Yard creating a large wetland area. A railroad trestle would be included with this alternative to allow the described restoration to occur and allowing for the connection of the river channel and the adjacent restored areas.
INTERSTATE 5
ZOO DRIVE
VICTORY BLVD
RIVERSIDE DRIVE
FOREST LAWN DRIVE
SR 134

LEGEND

Sub-Measures
2. Expose stormdrain outlets; convert to natural stream confluence
3/5. Create geomorphology and plant for freshwater marsh
10. Divert tributary & river flow into side channels
16. Bioengineer channel walls
17. Habitat corridors/riparian planting on banks
21. Lower channel banks and provide setback levees or vegetated berm
27. Modify trap channel to vertical sides
29. Invasive management

Potential Temporary Construction Staging Areas

Sheet 1: Reach 1-3

Los Angeles River Ecosystem Restoration (Feb, 2013)

Data Source: USACE, 2011
City of Los Angeles, 2011
Aerial Source: LARIC 2008
Alternative 20, ARBOR Riparian Integration via Varied Ecological Restoration (RIVER)
Los Angeles River Ecosystem Restoration (Feb, 2013)

Data Source: USACE, 2011
City of Los Angeles, 2011
Aerial Source: LARIC 2008

Sheet 3: Reach 5-7

LEGEND
Sub-Measures

2. Expose stormdrain outlets; convert to natural stream confluence
3/5. Create geomorphology and plant for freshwater marsh
16. Bioengineer channel walls
17. Habitat corridors/riparian planting on banks
19. Planting built into channel walls
22. Channel banks mainstem/widen channel with concrete removal
26. Terrace banks
27. Modify trap channel to vertical sides
29. Invasive management

Potential Temporary Construction Staging Areas
2. Expose stormdrain outlets; convert to natural stream confluence

3/5. Create geomorphology and plant for freshwater marsh

10. Divert tributary & river flow into side channels

16. Bioengineer channel walls

17. Habitat corridors/riparian planting on banks

21. Lower channel banks and provide setback levees or vegetated berms

25. Tributary channels/widen channel with concrete removal

27. Modify trap channel to vertical sides

29. Invasive management

Legend

Potential Temporary Construction Staging Areas
July 16, 2012

Mr. Stephen Dibble, Archaeologist

United States Army Corps of Engineers
Los Angeles District Office
915 Wilshire Boulevard
Los Angeles, CA 90017

Sent by FAX to: (213) 452-4204 and (213) 452-4219
No. of Pages: 4

Re: Request of Sacred Lands File & Native American Contacts List , pursuant to 36 CFR Part 800, Protection of Historic Properties (NHPA Section 106; 16 U.S.C. 470 et seq) for the "Los Angeles River Ecosystem Restoration Project," located on the Los Angeles River near Downtown Los Angeles; Los Angeles County, California.

Dear Mr. Dibble:

The Native American Heritage Commission (NAHC) is the California State 'Trustee Agency' pursuant to Public Resources Code §21070 for the protection of California's Native American Cultural Resources. The NAHC is also a 'reviewing agency' for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq), 36 CFR Part 800.3, .5 and are subject to the Tribal and interested Native American consultation as required by the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470; Section 106, [4f], 110 f[k], 304). The provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) and its implementation (43 CFR Part 10.2), and California Government Code §27491 may apply to this project if Native American human remains are inadvertently discovered.

The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts and the Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq) are similar to and in many cases more stringent with regard to the 'significance' of historic, including Native American items, and archaeological, including Native American items at least equal to the California Environmental Quality Act (CEQA..). In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Statement (EIS).

The NAHC did conduct a Sacred Lands File (SLF) search of its Inventory and Native American cultural resources were identified in the area you specified. Early and quality consultation with the Native American representatives on the attached list may provide detailed information of sites with which they are aware. Also note that the absence of archaeological resources does not preclude their existence, particularly at the subsurface level.

The NAHC Sacred Lands File Inventory of the Native American Heritage Commission is established by the California Legislature pursuant to California Public Resources Code §§5097.94(a) and 5097.96. The NAHC Sacred Lands Inventory is populated by submission to
the data by Native American tribes and Native American elders. In this way it differs from the California and National Register of Historic Places under the jurisdiction of the U.S. Secretary of the Interior.

The NAHC, pursuant to Appendix B of the Guidelines to the California Environmental Quality Act (CEQA) is designated as the agency with expertise in the areas of issues of cultural significance to California Native American communities. Also, in the 1985 California Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites.

Culturally affiliated tribes are to be consulted to determine possible project impacts pursuant to the National Historic Preservation Act, as amended. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. The NAHC recommends as part of ‘due diligence’, that you also contact the nearest Information Center of the California Historical Resources Information System (CHRS) of the State Historic Preservation Office (SHPO) for other possible recorded sites in or near the APE (contact the Office of Historic Preservation at 916-445-7000).

Attached is a list of Native American contacts is attached to assist you pursuant to Section 800.2(c )1(i) and Section 800.2(c )2; they may have knowledge of cultural resources in the project area. It is advisable to contact the persons listed and seek to establish a ‘trust’ relationship with them; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American individual may be the only source of information about a cultural resource; this is consistent with the NHPA (16 U.S.C. 470 et seq Sections. 106, 110, and 304) Section 106 Guidelines amended in 2009. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful.

NEPA regulations provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a ‘dedicated cemetery. Even though a discovery may be in federal property, California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any groundbreaking activity; in such cases California Government Code §27491 and California Health & Safety Code §7050.5 will apply and construction cease in the affected area.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton

Cc: State Clearinghouse
Fernandeno Tataviam Band of Mission Indians
Ronnie Salas, Cultural Preservation Department
1019 - 2nd Street, Suite #1
San Fernando CA 91340
rsalas@tataviam-nsn.gov
(818) 837-0794 Office
(818) 837-0796 Fax

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles, CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B
Costa Mesa, CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693
San Gabriel, CA 91778
GT Tribal council@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 - FAX

Gabrieleno Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908
Los Angeles, CA 90086
samdunlap@earthlink.net
(909) 262-9351 - cell

Gabrieleno Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower, CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417 - fax

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East # 1500
Los Angeles, CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed Los Angeles River Ecosystem Restoration Project; located near Downtown Los Angeles; Los Angeles County, California for which a Sacred Lands File search and Native American Contacts list were requested.
Gabrielino-Tongva Tribe  
Linda Candelaria, Chairwoman  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
lcandelaria1@gabrielinoTribe.org  
626-676-1184- cell  
(310) 587-0170 - FAX

Gabrieleno Band of Mission Indians  
Andrew Salas, Chairperson  
P.O. Box 393 Gabrieleno  
Covina , CA 91723  
(626) 926-4131  
gabrielenoindians@yahoo.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

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