3.15 Tribal Cultural Resources

3.15.1 Introduction

This section discusses the Project setting in relation to tribal cultural resources (TCR). It describes existing conditions, the current regulatory setting, and potential impacts from construction and operation of the Build Alternatives, including design options and MSF site options. Additionally, this section summarizes the consultation conducted in compliance with the Native American notification and consultation efforts performed for compliance with Assembly Bill (AB) 52 and a records search at the South Central California Information Center (SCCIC) of the California Historical Resources Information System, California State University, Fullerton in 2019. AB 52 consultation efforts resulted in the identification of zero TCRs.

Information in this section is based on the Eastside Transit Corridor Phase 2 Tribal Cultural Resources Impacts Report (Appendix O). For the purposes of this analysis, the specialized study area is the Area of Direct Impacts (ADI), which consists of the three-dimensional limits of proposed ground disturbance, including temporary ground disturbance.

3.15.2 Regulatory Framework

TCRs are a specific set of resources defined by the State of California. They include Native American historic, cultural, and sacred sites, as well as sites, features, places, objects, and landscapes that have cultural value to California Native American tribes. Although federal law offers certain protections to resources of Native American origin and value, TCRs are specifically defined and protected by the State of California.

3.15.2.1 Federal

Tribal Cultural resources within the ADI are protected by federal laws, including the National Historic Preservation Act, which established the National Register of Historic Places (NRHP). The NRHP recognizes properties that are significant at the national, state, and/or local levels. Resources that may be eligible for listing in the NRHP include districts, sites, buildings, structures, and objects that are at least 50 years old and are significant in American history, prehistory, architecture, archaeology, engineering, and/or culture. Resources younger than 50 years may be eligible if they have exceptional importance and meet specific criteria.

The NRHP includes Traditional Cultural Property (TCP). TCP is one class of resources that is eligible for inclusion in the NRHP based on associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. TCPs are often, but not always, places of importance to Native American tribes.

3.15.2.2 State

Applicable state laws and regulations include the California Historical Landmarks (CHLs), the California Native American Historical, Cultural, and Sacred Sites Act, which applies to both state and private lands, CEQA, and Assembly Bill (AB) 52 which established TCRs as a new class of resources

under CEQA. CEQA and the CEQA Guidelines require the evaluation of potential impacts to "historical resources" that are defined as resources listed in or eligible for listing in the California Register of Historic Resources (CRHR). Under California Public Resources Code (PRC) Section 5024.1, the CRHR was established to serve as an authoritative guide to the state's significant historical and archaeological resources. In addition to historic properties listed in or eligible for listing based on the criteria for listing in the NRHP, the CRHR includes designated California Historic Landmarks, California Points of Historical Interest (PHI), and certain locally identified historic resources. Resources that are listed or eligible for listing in the CRHR are automatically considered historical resources under CEQA.

3.15.3 Methodology

This analysis is undertaken to determine if the Build Alternatives may have a significant impact on TCRs, thus requiring the adoption of mitigation measures in accordance with CEQA. The analysis covers all program components that could physically change the environment and potentially result in a physical impact to the environment.

3.15.3.1 Project Area of Direct Impacts

This analysis follows the methodology of the archaeological study for the Project (see Section 3.4, Cultural Resources, and Appendix E, Eastside Transit Corridor Phase 2 Cultural Resources Impacts Report). For the purpose of analyzing potential impacts to TCRs, the specialized study area is the ADI, which consists of the three-dimensional limits of proposed ground disturbance, including temporary ground disturbance. The ADI includes the proposed LRT right-of-way (ROW) and any areas of direct ground disturbance during Project construction, including staging areas. The ADI is documented on a series of maps provided in Attachment A of Appendix O.

3.15.3.2 Identification of Register-Eligible Resources

In accordance with PRC Section 21074, resources are identified within the ADI that are listed in, or eligible for listing in, the CRHR or a local register of historical resources. These resources are also eligible for consideration as potential TCRs. Local historical and ethnographic literature was reviewed to establish the prehistoric and ethnohistoric context of the ADI and to identify potentially significant tribal resources.

A records search for the Project was conducted at the SCCIC in 2010 and an updated records search was conducted in 2019. The SCCIC, an affiliate of the California Office of Historic Preservation, is the official state repository of cultural resources records and studies for Los Angeles County. The search included a review of all recorded prehistoric archaeological sites within a 1-mile radius of the Project and a review of all recorded historic archaeological and architectural sites and cultural resource reports on file within a 0.5-mile radius of the Project. In addition, the California PHI, CHL, the CRHR, the NRHP, the California State Historic Resources Inventory, and the City of Whittier Historic Landmarks and Districts were reviewed. Historical United States Geological Survey (USGS) quadrangle maps were also reviewed. Results of the SCCIC records search are provided in Attachment C of Appendix E to the EIR. Additionally, a field survey was conducted of the ADI in order to identify archaeological resources that may also be TCRs, including portable artifacts such as arrowheads; non-portable "features" such as cooking hearths; and residues such as food remains and charcoal.

3.15.3.3 Identification of Consulting Parties

Metro contacted the Native American Heritage Commission (NAHC) by letter and provided them with a brief project description and a map of the GSA. The NAHC responded to Metro on November 22, 2019, with an AB 52 consultation list of tribes and tribal contacts who are traditionally and culturally affiliated with the Project area. The NAHC also provided the results of the Sacred Lands File Search (SLF) search. The SLF search was positive and the NAHC requested Metro contact the Gabrieleño Band of Mission Indians – Kizh Nation and the Gabrieleño/Tongva San Gabriel Band of Mission Indians for more information.

On December 3, 2019, a letter was sent to each of the AB 52 tribes on the consultation list. The letter was intended to initiate consultation with the tribes on both the state and federal level, in order to comply with AB 52 and the terms of Section 106 of the National Historic Preservation Act.[1] Letters describing the GSA and USGS topographic maps were sent to the following Native American representatives, identified by the NAHC as potentially having knowledge of the GSA:

- Andrew Salas, Chairperson, Gabrieleño Band of Mission Indians – Kizh Nation
- Anthony Morales, Chairperson, Gabrieleño/Tongva San Gabriel Band of Mission Indians
- Sandonne Goad, Chairperson, Gabrieleño/Tongva Nation
- Robert Dorame, Chairperson, Gabrieleño Tongva Indians of California Tribal Council
- Charles Alvarez, Gabrieleño-Tongva Tribe

On December 10, 2019, Andrew Salas, Chairperson, Gabrieleño Band of Mission Indians – Kizh Nation, responded and requested consultation. Accordingly, a consultation meeting was held between Chairperson Andrew Salas and Tribal Biologist Matthew Teutimez, representing the Gabrieleño Band of Mission Indians – Kizh Nation, and Project Manager Jenny Cristales-Cevallos, Lauren Cencic, Eva Moir, Michael Tauchen, Marc Beherec, and Jaime Guzman representing Metro, on March 25, 2020. On April 27, 2020, the Gabrieleño Band of Mission Indians – Kizh Nation provided additional information regarding their tribal lineage and ties to the ADI via email. Correspondence received and meeting minutes may be found in Confidential Attachment B of Appendix O to this EIR (this appendix is not part of the EIR pursuant to PRC Section 21082.3(c)(1)).

3.15.4 Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, a Build Alternative would have a significant impact related to TCRs if it would cause a substantial adverse change in the significance of a TCR, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Therefore, a Build Alternative would have a significant impact related to TCRs if it would:

1 Section 106 of the National Historic Preservation Act requires federal agencies to consider whether proposed activities have the potential to have an adverse effect on historic properties. In February 2020, the Metro Board approved the discontinuation of the National Environmental Policy Act (NEPA) analysis of the Project and, therefore, the Section 106 evaluation was also discontinued.

Impact TCR-1: Cause a substantial adverse change in a TCR that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k).

Impact TCR-2: Cause a substantial adverse change in a TCR that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

An impact to a TCR would include destruction or partial destruction of the resource or the integrity of the resource which would reduce the resource's cultural significance to a California Native American tribe.

3.15.5 Existing Setting

This section describes the tribal cultural resources within the Build Alternatives ADI. The background research, records search, and survey identified one resource within the ADI that is a listed CHL and appears to be eligible for listing in the CRHR as described below. The full details and results of the background research, records search and survey are documented in Appendix O.

3.15.5.1 Battle of Rio San Gabriel

One potential archaeological resource was identified in the ADI. It is CHL No. 385, the Site of the Battle of Rio San Gabriel as detailed in Appendix O. This resource is eligible for the CRHR and therefore a historical resource for the purposes of CEQA. Located at the northeast corner of Bluff Road and Washington Boulevard, on the border of Montebello and Pico Rivera, is the approximate Site of the Battle of Rio San Gabriel, which occurred on January 8, 1847, during the Mexican-American War. The Rio Hondo was then known as the Rio San Gabriel, before the San Gabriel River shifted its banks.

There are two historical documents that indicate that a place with the Native American name "Curunga" existed at the site of the Battle of Rio San Gabriel, and therefore possibly within the ADI. The earliest history of Los Angeles County notes that the battle occurred at a place "the Californians always called CURUNGA" (Warner et al. 1876:31). The name Curunga appears to be Gabrielino in origin. However, it is unclear what the word means or what place specifically was Curunga. It is also unclear whether Curunga was all or only part of the battlefield. It is unclear whether Curunga is located within the ADI.

Although the Battle of Rio San Gabriel took place in the geographical location, there is no evidence of a connection between the battle that gives CHL No. 385 its significance (which appears to make it eligible for listing in the CRHR), and the historical resource termed Curunga. Based on currently available information the site of the Battle of Rio San Gabriel is therefore not a TCR.

3.15.5.2 AB 52 Consultation Results

The NAHC SLF search was positive, and the NAHC identified five Native American tribal governments with ancestral ties to areas within the ADI who may have knowledge of TCRs that may be impacted by the Project, as described in **Section 3.15.3.3**. These five tribal governments were invited to consult on the Project. One of these, the Gabrieleño Band of Mission Indians – Kizh Nation, represented by

Chairperson Andrew Salas and Tribal Biologist Matthew Teutimez, responded to the request for consultation.

Details of tribal consultation are confidential; however, the tribe stressed that the corridor passes through overlapping village territories, as well as within the boundaries of the ranchos for which tribes provided labor. Trade routes crisscrossing the ADI were also identified. In particular, the tribe noted that the vicinity of the river crossings and of a lake that formerly existed near the intersection of I-5 and Washington Boulevard provided natural resources to local Native American villages, thereby increasing the sensitivity of the ADI for TCR.

The tribe asserted that the negative findings of the records search and survey of the Project cultural study are likely because the area was developed before CEQA laws were in place rather than because no resources exist there. No specific resources that may be evaluated as potential TCRs were identified specifically within the ADI as a result of consultation. The Gabrieleño Band of Mission Indians – Kizh Nation asserted that the entire alignment is sensitive for potential buried TCRs and recommended Native American monitoring for ground-disturbing activities; protocols for the unanticipated discovery and treatment of Tribal Cultural resources, archaeological resources, human remains and/or funerary objects; and professional standards for monitoring personnel. Correspondence and meeting notes are included in Confidential Attachment B of Appendix O to this EIR (this appendix is not part of the EIR pursuant to PRC Section 21082.3(c)(1)).

3.15.6 Impact Evaluation

3.15.6.1 Impact TCR-1: Historical Resources

Impact TCR-1: Would a Build Alternative cause a substantial adverse change in a TCR that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k)?

3.15.6.1.1 Alternative 1 Washington

Operational Impacts

As identified in **Section 3.15.5.1,** one resource listed as a CHL was identified within the Alternative 1 ADI (CHL No. 385). The resource is significant as a battlefield of the Mexican-American War and is not a TCR because its significance is associated with the Battle of the Rio San Gabriel in 1847 and not any resource of value to Native American tribes. No TCRs were identified within the ADI as a result of the background research, field survey, or tribal consultation. Although unknown, buried resources that may be eligible for inclusion in the CRHR may exist within the ADI, operation of Alternative 1 would not require additional ground-disturbance that could disturb buried resources.

Project operations would consist of LRT and would not directly or indirectly affect the integrity or significance of any known or potentially resources that are eligible for inclusion in the CRHR or local register that may be TCRs. Thus, operation of Alternative 1 would not impact or adversely change a TCR that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k).

Design Options

Atlantic/Pomona Station Option

One resource listed as a CHL was identified within the ADI. However, the resource is significant as a battlefield of the Mexican-American War, and its significance is not as a TCR. Operation of Alternative 1 with the Atlantic/Pomona Station Option would not directly or indirectly affect the integrity or significance of any known or potential resources that are eligible for inclusion in the CRHR or local register that may be TCRs.

Montebello At-Grade Option

One resource listed as a CHL was identified within the ADI. However, the resource is significant as a battlefield of the Mexican-American War, and its significance is not as a TCR. Operation of Alternative 1 with the Montebello At-Grade Option would not directly or indirectly affect the integrity or significance of any known or potential resources that are eligible for inclusion in the CRHR or local register that may be TCRs.

Construction Impacts

One resource listed as a CHL identified within the ADI is a battlefield of the Mexican-American War, and its significance is not as a TCR. Numerous village locations and trade routes were also identified by the consulting tribe in the vicinity of the ADI, and tribal consultation findings indicate that the entire alignment is sensitive for potential buried unidentified TCRs. Construction related ground disturbance, including grading, excavation, boring/tunneling, has the potential to disturb and destroy unknown TCRs.

The tunnel boring machine (TBM) would be used in this area that is sensitive for TCRs. The TBM does not allow for discovery of intact archaeological resources because the method of construction limits observation of impacted soils. However, the TBM would only be used at depths containing soils deposited prior to human occupation and, thus, TCRs are not anticipated to be present in areas where the TBM would be used. To launch the TBM, a pit would be dug to a depth of approximately 44 to 48 feet below ground surface (bgs). Similarly, the extraction of the TBM would also occur from a pit of a similar depth. The operation of the TBM would occur from approximately 44 to 60 feet bgs. These deeper soil levels are not likely to contain buried resources because they are too old to have been available for human occupation before they were buried by subsequent geomorphic processes. A paleontological records search conducted for the Project described in Section 3.6, Geology, Soils, Seismicity, and Paleontological Resources, identified fossils in the vicinity at depths that are shallower than the proposed construction method (i.e., 20 to 35 feet bgs) which also indicates a low likelihood for TCRs to occur at depths where tunneling would occur. Therefore, because TBM would be used at depths with soils deposited prior to human occupation, tunneling is not expected to disturb or destroy unknown TCRs and impacts associated with tunnel boring are less than significant.

However, ground disturbance, including grading and excavation at lesser depths has the potential to disturb and destroy unknown TCRs. Although the ADI is heavily disturbed and urbanized, some of the construction activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other

development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. Tribal consultation identified the entire alignment as sensitive. If unmitigated, this potential disturbance of TCRs during construction of Alternative 1 would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as discussed in **Section 3.15.7**, would be implemented. MM TCR-1 requires all construction personnel involved in ground-disturbing activities to be provided with appropriate Tribal Cultural Resources training prior to any ground-disturbing activities. MM TCR-2 requires a Native American monitor to be retained for work at locations identified as sensitive during tribal consultation and agreed upon between the lead agency and the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government. MM TCR-3 requires a project–wide Cultural Resources Monitoring and Mitigation Plan (CRMMP) to be developed and implemented by Metro. This document would address areas where potentially significant prehistoric and historic archaeological deposits and Tribal Cultural Resources are likely to be located within the ADI based on background research, a geoarchaeological analysis, and Tribal consultation. Implementation of MM TCR-1 through MM TCR-3 would ensure that workers have a clear understanding of TCRs that may be present in the construction area as well as procedures and plans for safely handling TCRs; thus, impacts would be reduced to less than significant.

Design Options

Atlantic/Pomona Station Option

Excavation for the Atlantic/Pomona Station Option would be less deep than for a fully underground station and would have the potential to disturb and destroy TCRs that are currently unknown. If unmitigated, this potential disturbance of TCRs during construction of Alternative 1 with the Atlantic/Pomona Station Option would result in a significant impact. MM TCR-1, MM TCR-2, and MM TCR-3, as summarized above and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

Montebello At-Grade Option

Although excavation for the at-grade option would be relatively shallow, excavations have the potential to disturb and destroy TCRs that are currently unknown. If unmitigated, this potential disturbance of TCRs during construction of Alternative 1 with the Montebello At-Grade Option would result in a significant impact. MM TCR-1, MM TCR-2, and MM TCR-3, as summarized above and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.6.1.2 Alternative 2 Atlantic to Commerce/Citadel IOS

Operational Impacts

Base Alternative and Design Option

No TCRs or any other prehistoric resources or other resources of Native American significance were identified within the ADI as a result of the background research, field survey, or tribal consultation. Although unknown, buried resources that may be eligible for inclusion in the CRHR may exist within the ADI. Operation of the base Alternative 2 or Alternative 2 with the Atlantic/Pomona Station Option would not require additional ground-disturbance that could impact these resources. Thus, operation of the base Alternative 2 or Alternative 2 with the Atlantic/Pomona Station Option would not impact or adversely change a TCR that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k).

Construction Impacts

Base Alternative and Design Option

Numerous village locations and trade routes were identified in the vicinity of the ADI. The TBM may run through these areas, however the TBM does not allow for discovery of intact archaeological resources because the method of construction limits observation of impacted soils. As discussed in **Section 3.15.6.1.13.15.6.1.1**, ground disturbance for this construction method would occur approximately 44 to 60 feet bgs. These deeper soil levels are not likely to contain buried resources because they are too old to have been available for human occupation before they were buried by subsequent geomorphic processes. A paleontological records search conducted for the Project identified fossils in the vicinity at depths that are shallower than the proposed construction method suggesting a lower likelihood for TCRs to be impacted by TBM. Therefore, because TBM would be used at depths with soils deposited prior to human occupation, tunneling is not expected to disturb or destroy unknown TCRs and impacts associated with tunnel boring are less than significant.

Construction related ground disturbance, including grading and excavation, of the base Alternative 2 or Alternative 2 with the Atlantic/Pomona Station Option, of Holocene deposits would have the potential to disturb and destroy TCRs that are currently unknown. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. Although the ADI is heavily disturbed and urbanized, some of these activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. If unmitigated, potential disturbance of TCRs during construction of the base Alternative 2 or Alternative 2 with the Atlantic/Pomona Station Option would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely

handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.6.1.3 Alternative 3 Atlantic to Greenwood IOS

Operational Impacts

Base Alternative and Design Options

No TCRs or any other prehistoric resources or other resources of Native American significance were identified within the ADI as a result of the background research, field survey, or tribal consultation. Although unknown, buried resources that may be eligible for inclusion in the CRHR may exist within the ADI. Operational activities would not require additional ground-disturbance. Thus, operation of the base Alternative 3 or Alternative 3 with the Atlantic/Pomona Station Option and/or the Montebello At-Grade Option would not impact or adversely change a TCR that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k).

Construction Impacts

Base Alternative and Design Options

Numerous village locations and trade routes were identified in the vicinity of the ADI. The TBM may run through these areas, however the TBM does not allow for discovery of intact archaeological resources because of the method of construction. As discussed in **Section 3.15.6.1.13.15.6.1.1**, ground disturbance for this construction method would occur approximately 44 to 60 feet bgs. These deeper soil levels are not likely to contain buried resources because they are too old to have been available for human occupation before they were buried by subsequent geomorphic processes. A paleontological records search conducted for the Project identified fossils in the vicinity at depths that are shallower than the proposed construction method suggesting a low likelihood for TCRs to be impacted by TBM. Therefore, because TBM would be used at depths with soils deposited prior to human occupation, tunneling is not expected to disturb or destroy unknown TCRs and impacts associated with tunnel boring are less than significant.

Construction of the base Alternative 3 or Alternative 3 with the Atlantic/Pomona Station Option and/or the Montebello At-Grade Option would require ground-disturbing activities, including grading and excavation of Holocene deposits. These activities would have the potential to disturb and destroy TCRs that are currently unknown. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. Although the ADI is heavily disturbed and urbanized, some of these construction activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. If unmitigated, this potential disturbance of TCRs during construction of base Alternative 3 or Alternative 3 with the Atlantic/Pomona Station Option and/or the Montebello At-Grade Option would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.6.1.4 Maintenance and Storage Facilities

Operational Impacts

MSF Site Options and Design Option

No resources eligible for or listed in a local register or the CRHR were identified within the footprint of either of the Commerce MSF site option, the Montebello MSF site option, or Montebello MSF At-Grade Option. No TCRs or any other prehistoric resources or other resources of Native American significance were identified within the ADI as a result of the background research, field survey, or tribal consultation. Although unknown, buried resources that may be eligible for inclusion in the CRHR may exist within the ADI, operations would not require additional ground-disturbance. Thus, operation of MSF site options would not impact or adversely change a TCR that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k).

Construction Impacts

MSF Site Options and Design Option

Construction of the Commerce MSF site option, Montebello MSF site option, or Montebello MSF At-Grade Option would require ground-disturbing activities, including grading and excavation in Holocene deposits. These activities would have the potential to disturb and destroy TCRs that are currently unknown. Tribal consultation findings indicate that the entire ADI is sensitive for potential buried, unidentified TCRs.

Although the ADI is heavily disturbed and urbanized, some of these construction activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. If unmitigated, this potential disturbance of TCRs during construction of the of the Commerce MSF site option, Montebello MSF site option, or Montebello MSF At-Grade Option would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.6.2 Impact TCR-2: Native Tribal Significance

Impact TCR-2: Would a Build Alternative cause a substantial adverse change in a TCR that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

3.15.6.2.1 Alternative 1 Washington

Operational Impacts

No specific surviving resources of tribal significance were identified within the ADI. Consultation did indicate that unknown, buried resources that may be eligible for inclusion in the CRHR may exist within the ADI. However, operational activities would not require additional ground-disturbance. Thus, operation of Alternative 1 would not impact or adversely change a TCR that is significant to a California Native American tribe.

Design Options

Atlantic/Pomona Station Option

Project operations would not directly or indirectly affect the integrity or significance of any known or potentially resources that are eligible for inclusion in the CRHR or local register that may be TCRs. Thus, operation of Alternative 1 with the Atlantic/Pomona Station Option would not impact or adversely change a TCR that is significant to a California Native American tribe.

Montebello At-Grade Option

Project operations would not directly or indirectly affect the integrity or significance of any known or potentially resources that are eligible for inclusion in the CRHR or local register that may be TCRs. Thus, operation of Alternative 1 with the Montebello At-Grade Option would not impact or adversely change a TCR that is significant to a California Native American tribe.

Construction Impacts

Numerous village locations and trade routes were identified in the vicinity of the ADI. The TBM may run through these areas, however the TBM does not allow for discovery of intact archaeological resources because of the method of construction. As discussed in **Section 3.15.6.1.1**, ground disturbance for this construction method will occur approximately 44 to 60 feet bgs. These deeper soil levels are not likely to contain buried resources because they are too old to have been available for human occupation before they were buried by subsequent geomorphic processes. A paleontological records search conducted for the Project identified fossils in the vicinity at depths that are shallower than the proposed construction method suggesting a low likelihood for TCRs to be impacted by TBM. Therefore, because TBM would be used at depths with soils deposited prior to human occupation, tunneling is not expected to disturb or destroy unknown TCRs and impacts associated with tunnel boring are less than significant.

Construction activities related to ground disturbance, including grading and excavation, would have the potential to disturb and destroy TCRs that are currently unknown in Holocene deposits. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs.

Although the ADI is heavily disturbed and urbanized, some of these construction activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. If unmitigated, this potential disturbance of TCRs during construction of Alternative 1 would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

Design Options

Atlantic/Pomona Station Option

Excavation for the Atlantic/Pomona Station Option would be less deep than for a fully underground station but would have the potential to disturb and destroy TCRs that are currently unknown. If unmitigated, this potential disturbance of TCRs during construction of Alternative 1 with the Atlantic/Pomona Station Option would result in a significant impact. MM TCR-1, MM TCR-2, and MM TCR-3, as summarized above and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

Montebello At-Grade Option

Although excavation for the Montebello At-Grade Option would be relatively shallow, excavations have the potential to disturb and destroy TCRs that are currently unknown. If unmitigated, this potential disturbance of TCRs during construction of Alternative 1 with the Montebello At-Grade Option would result in a significant impact. MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.6.2.2 Alternative 2 Atlantic to Commerce/Citadel IOS

Operational Impacts

Base Alternative and Design Option

No specific resources of tribal significance were identified within the ADI. Consultation did indicate that unknown, buried resources may exist within the ADI. However, operational activities would not require additional ground-disturbance. Thus, operation of the base Alternative 2 or Alternative 2 with the Atlantic/Pomona Station Option would not impact or adversely change a TCR that is significant to a California Native American tribe.

Construction Impacts

Base Alternative and Design Option

Numerous village locations and trade routes were identified in the vicinity of the ADI. The TBM may run through these areas, however the TBM does not allow for discovery of intact archaeological resources because of the method of construction. As discussed in **Section 3.15.6.1.13.15.6.1.1**, ground disturbance for this construction method would occur approximately 44 to 60 feet bgs. These deeper soil levels are not likely to contain buried resources because they are too old to have been available for human occupation before they were buried by subsequent geomorphic processes. A paleontological records search conducted for the Project identified fossils in the vicinity at depths that are shallower than the proposed construction method suggesting a low likelihood for TCRs to be impacted by TBM. Therefore, because TBM would be used at depths with soils deposited prior to human occupation, tunneling is not expected to disturb or destroy unknown TCRs and impacts associated with tunnel boring are less than significant.

Construction of the base Alternative 2 or Alternative 2 with the Atlantic/Pomona Station Option would require ground-disturbing activities, including grading and excavation in Holocene deposits. These activities would have the potential to disturb and destroy TCRs that are currently unknown. Although the ADI is heavily disturbed and urbanized, some of these construction activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. If unmitigated, this potential disturbance of TCRs during construction of the base Alternative 2 or Alternative 2 with the Atlantic/Pomona Station Option would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.6.2.3 Alternative 3 Atlantic to Greenwood IOS

Operational Impacts

Base Alternative and Design Options

No specific resources of tribal significance were identified within the ADI. Consultation did indicate that unknown, buried resources that may be eligible for inclusion in the CRHR may exist within the ADI. However, operational activities would not require additional ground-disturbance. Thus, operation of the base Alternative 3 or Alternative 3 with the Atlantic/Pomona Station Option and/or the Montebello At-Grade Option would not impact or adversely affect a TCR that is significant to a California Native American tribe.

Construction Impacts

Base Alternative and Design Options

Numerous village locations and trade routes were identified in the vicinity of the ADI. The TBM may run through these areas, however the TBM does not allow for discovery of intact archaeological resources because of the method of construction. As discussed in **Section 3.15.6.1.13.15.6.1.1**, ground disturbance for this construction method would occur approximately 44 to 60 feet gds. These deeper soil levels are not likely to contain buried resources because they are too old to have been available for human occupation before they were buried by subsequent geomorphic processes. A paleontological records search conducted for the Project identified fossils in the vicinity at depths that are shallower than the proposed construction method suggesting a low likelihood for TCRs to be impacted by TBM. Therefore, because TBM would be used at depths with soils deposited prior to human occupation, tunneling is not expected to disturb or destroy unknown TCRs and impacts associated with tunnel boring are less than significant.

Construction activities that cause ground disturbance, including grading and excavation in Holocene deposits would have the potential to disturb and destroy TCRs that are currently unknown. Although the ADI is heavily disturbed and urbanized, some of these construction activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. If unmitigated, this potential disturbance of TCRs during construction of the base Alternative 3 or Alternative 3 with the Atlantic/Pomona Station Option and/or the Montebello At-Grade Option would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.6.2.4 Maintenance and Storage Facilities

Operational Impacts

MSF Site Options and Design Option

No specific resources of tribal significance were identified within the ADI. Consultation did indicate that unknown, buried resources that may be eligible for inclusion in the CRHR may exist within the ADI. However, project operations would not require additional ground-disturbance. MSF operations would not directly or indirectly affect the integrity or significance of any known or potential resources that are eligible for inclusion in the CRHR or local register that may be TCRs. There would be no operational impact on a TCR that is significant to a California Native American tribe.

Construction Impacts

MSF Site Options and Design Option

Construction of the Commerce MSF site option, Montebello MSF site option, or Montebello MSF At-Grade Option would require activities that cause ground disturbance, including grading and excavation, and would have the potential to disturb and destroy TCRs in Holocene deposits that are currently unknown. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. Although the ADI, including the Commerce MSF site option, the Montebello MSF site option, or Montebello MSF At-Grade Option, is heavily disturbed and urbanized, some of these construction activities would extend below the disturbed surface and into undisturbed Holocene deposits which have the potential to preserve buried cultural resources. If present, these undisturbed soils would lie below artificial fill, pavement, and other recent disturbances and would overlie older Quaternary, pre-human occupation soils. Cultural resources may be buried in these Holocene soils beneath natural alluvial deposits near watercourses or hidden beneath pavement and other development at unknown locations. No precontact archaeological sites were identified in the ADI, so precise locations with a higher potential to contain such resources cannot be identified. Tribal consultation findings indicate that the entire alignment is sensitive for potential buried, unidentified TCRs. If unmitigated, this potential disturbance of TCRs during construction of the MSF site options would result in a significant impact.

MM TCR-1, MM TCR-2, and MM TCR-3, as summarized in **Section 3.15.6.1.1** and identified in **Section 3.15.7**, would ensure that workers have a clear understanding of TCRs that may be present in the construction area, and that procedures and plans would be in place for monitoring for and safely handling TCRs. Implementation of MM TCR-1 through MM TCR-3 would reduce impacts to less than significant.

3.15.7 Project Measures and Mitigation Measures

3.15.7.1 Project Measures

No project measures are required for the Build Alternatives, MSF Site Options, or Design Options.

3.15.7.2 Mitigation Measures

As identified in **Section 3.15.6**, the Build Alternatives and Build Alternatives with the design option(s), and the MSF site options would have significant impacts on tribal cultural resources under Impact TCR-1 (Historical Resources) and Impact TCR-2 (Native Tribal Significance). Mitigation measures to reduce the impacts are presented herein. MM TCR-1through MM TCR-3 would apply to all Build Alternatives, the Build Alternatives with the design option(s), and the MSF site options. As identified in **Table 3.15-1**, implementation of MM TCR-1 through MM TCR-3 for Impact TCR-1 (Historical Resources) and Impact TCR-2 (Native Tribal Significance) would reduce all impacts to less than significant for all Build Alternatives, the Build Alternatives with the design option(s), and the MSF site options.

MM TCR-1: **Tribal Cultural Resources Training.** Prior to any ground-disturbing activities, all construction personnel involved in ground-disturbing activities shall be provided with appropriate Tribal Cultural Resources training. The training shall instruct the personnel regarding the legal framework protecting Tribal Cultural Resources, typical kinds of Tribal Cultural Resources that may be found within the project area, and proper procedures and notifications if Tribal Cultural Resources are inadvertently discovered.

MM TCR-2 **Retain a Native American Monitor.** A Native American monitor shall be retained for work at locations identified as sensitive during tribal consultation and agreed upon between the lead agency and the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government. The monitor shall only be present on-site during the construction phases that involve ground disturbing activities where areas of ground disturbance and/or removed spoils are visible for inspection. If during cultural resources monitoring the qualified archaeologist or Native American Monitor determines that the sediments being excavated are previously disturbed or unlikely to contain significant cultural materials, the qualified archaeologist or Native American Monitor can recommend that monitoring be reduced or eliminated.

MM TCR-3 **Unknown Tribal Cultural Resources.** A project–wide Cultural Resources Monitoring and Mitigation Plan (CRMMP) shall be developed and implemented by Metro. This document shall address areas where potentially significant prehistoric and historic archaeological deposits, and Tribal Cultural Resources are likely to be located within the ADI based on background research, a geoarchaeological analysis, and Tribal consultation. The CRMMP shall encompass both archaeological and Tribal Cultural Resources and shall be kept confidential. Preparation of the CRMMP shall necessitate the completion of pedestrian survey of the private property parcels in the ADI that were not accessible during the preparation of this Eastside Transit Corridor Phase 2 EIR.

The CRMMP shall include a detailed prehistoric and historic context that clearly demonstrates the themes under which any identified resources would be determined significant. Should significant deposits be identified during earth-moving activities, where feasible, the CRMMP shall address methods for data recovery, anticipated artifact types, artifact analysis, report writing, repatriation of human remains and associated grave goods, and curation or other methods of disposition in consultation with the Tribe.

The CRMMP shall also require that an archaeologist qualified in prehistoric and historical archaeology and a Native American monitor who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location be retained prior to ground-disturbing activities. The CRMMP shall be a guide for monitoring activities. If buried Tribal Cultural Resources or cultural resources, such as flaked or ground stone, historic debris, building foundations, or non-human bone, are discovered during ground-disturbing activities, work shall stop in that area and within 50 feet of the find until a qualified archaeologist and Native American Monitor can assess the significance of the find and, if necessary, develop appropriate treatment measures. If resources are Native American in origin and may also be Tribal Cultural Resources, treatment and curation of these resources shall be determined in consultation with the Tribe. Treatment measures typically include development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs such as excavation or detailed documentation.

3.15.8 Significance After Mitigation

As identified in **Table 3.15-1,** with implementation of mitigation measures MM TCR-1, MM TCR-2, and MM TCR-3, impacts related to tribal historic resources (Impact TRC-1) and tribal cultural resources (Impact TRC-2), would be reduced to **less than significant for all Build Alternatives and design options, with the MSF site option(s)**.

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Table 3.15-1. Summary of Mitigation Measures and Impacts After Mitigation

CEQA Impact Topic		Alternative 1: Washington Boulevard								Alternative 2: Commerce/Citadel IOS		Alternative 3: Washington/Greenwood IOS							
		Base Alternative 1[1]		Alternative 1 + Atlantic/Pomona Station Option		Alternative 1 + Montebello At-Grade Option		Alternative 1 + Atlantic/Pomona Station Option + Montebello At-Grade Option		Base Alternative 2[2]	Alternative 2 + Atlantic/ Pomona Station Option	Base Alternative 3[3]		Alternative 3 + Atlantic/Pomona Station Option		Alternative 3 + Montebello At-Grade Option		Alternative 3 + Atlantic/Pomona Station Option + Montebello At-Grade Option	
		Commerce MSF	Montebello MSF	Commerce MSF	Montebello MSF	Commerce MSF	Montebello MSF At-Grade Option	Commerce MSF	Montebello MSF At-Grade Option	Commerce MSF		Commerce MSF	Montebello MSF	Commerce MSF	Montebello MSF	Commerce MSF	Montebello MSF At-Grade Option	Commerce MSF	Montebello MSF At-Grade Option
Impact TCR-1: Historical Resources	Applicable Mitigation	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3
	Impacts After Mitigation	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS
Impact TCR-2: Native Tribal Significance	Applicable Mitigation	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3	MM TCR-1, MM TCR-2, MM TCR-3
	Impacts After Mitigation	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS

Source: CDM Smith/AECOM JV, 2022.
Notes:
The Base Alternatives are shaded in light yellow. Design options are not shaded.
1 The Base Alternative 1 includes the Atlantic station (reconfigured/relocated) and aerial Greenwood station.
2 The Base Alternative 2 includes the Atlantic station (reconfigured/relocated).
3 The Base Alternative 3 includes the Atlantic station (reconfigured/relocated) and aerial Greenwood station.
Key:
NI = No Impact LTS = Less Than Significant SU = Significant and Unavoidable

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