

4.9 Tribal Cultural Resources

4.9.1 Methodology

This section describes the existing tribal cultural resource conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed Arroyo Seco Canyon Project Areas 2 and 3 (Project or proposed Project). As such, analysis within this section identifies associated regulatory requirements, evaluates potential impacts to tribal cultural resources, and identifies mitigation measures related to implementation of the proposed Project. This analysis is based, in part, on a review of existing resources and applicable laws, regulations, and guidelines, as well as the following:

- Appendix I- 1** Native American Heritage Commission Sacred Lands File Results for the Arroyo Seco Canyon Project Areas 2 and 3, dated October 7, 2019.
- Appendix I- 2** Confidential AB-52 Consultation Documentation.
- Appendix E-1** Cultural Resources Technical Report for the Arroyo Seco Canyon Project Areas 2 and 3, prepared by Dudek, dated April 2020.

The Cultural Resources Technical Report includes a review of the results of a South Central Coastal Information Center (SCCIC) records search, a search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF), and tribal consultation completed by the lead agency, the City of Pasadena, pursuant to California Assembly Bill (AB) 52. Communication from the NAHC and Tribal entities in response to the Notice of Preparation (NOP) included instructions for complying with Assembly Bill 52 (tribal consultation processes), and recommendations for cultural resources assessments. These concerns are addressed and summarized in this section. A copy of the tribal responses received by the City are included in Confidential Appendix I-2.

Comments received in response to the Notice of Preparation (NOP) are summarized in Table 1, Notice of Preparation and Scoping Comment Letters Summary, included in Section 1, Introduction of this Draft EIR. A copy of the NOP and Initial Study is included in Appendix A-1, the Appendices to the Initial Study are included in Appendix A-2, and the comment letters received in response to the NOP are included in Appendix A-3 of this Draft EIR.

4.9.2 Existing Conditions

South Central Coast Information Center Records Search

As previously discussed, in Section 4.3 for this DEIR for Cultural Resources, Dudek conducted a CHRIS records search at the SCCIC on October 3, 2019. No prehistoric or historic-era archaeological resources were identified within the Project site as a result. The records search identified 35 previously conducted cultural resources technical investigations within the 0.5-mile radius records search area. Of these, six overlap and one is adjacent to the Project site. Additionally, the SCCIC records indicate that 14 previously recorded cultural resources exist within the surrounding 0.5-mile search radius. One built environment resource, P-19-189942, overlaps the Project site and consists of the Hahamongna Watershed Park and associated recreational facilities. Two consist of prehistoric archaeological resources, including P-19-000342, the purported village site located approximately 686 meters

(2,250 feet) north of the Project site, and an isolated granitic discoidal recovered from a disturbed context within fill material. One multi-component resource consisting of multiple loci of sparse prehistoric lithic scatters, as well as a historic-era domestic refuse scatter and purported historic-era burial from the late 1800s is located approximately 914 meters (3,000 feet) northeast of the Project site.

Native American Coordination

Sacred Lands File Search and Tribal Outreach

Dudek contacted the NAHC on September 16, 2019 to request a search of the SLF. Results of the SLF (received October 7, 2019) were positive. The NAHC recommended contacting the Gabrieleño Band of Mission Indians – Kizh Nation for specific information regarding the positive findings. The NAHC also provided contact information for an additional four Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the Project site; however, the additional four Native American individuals and/or tribal organizations have not, as of the submission of this Draft EIR, contacted the City requesting that the lead agency (City) provide notification to the tribe of projects in the tribe’s area of traditional and cultural affiliation. In compliance with Assembly Bill (AB) 52, the City has contacted tribal representatives that have requested to be notified of projects in Pasadena. These efforts are summarized in the following section.

Assembly Bill 52

A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment (PRC Section 21084.2). Under AB 52, a TCR must have tangible, geographically defined properties that can be impacted by project implementation. The proposed project is subject to compliance with AB 52.

The City sent notification of the proposed Project, pursuant to AB 52 on November 7, 2019, to all California Native American tribal representatives that have requested to be notified of projects within the City. The notification letter included a Project map and description inquiring if the tribe entities would like to request formal consultation in order to discuss the Project and the potential to impact any TCRs. AB 52 allows tribes 30 days after receiving notification to request consultation. If a response is not received within the allotted 30 days, it is assumed that consultation is declined. To date, one response to the City’s notification letters has been received and one formal consultation has been requested. In a letter from Andrew Salas, Chairperson of the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe) received by the City on November 15, 2019, Mr. Salas stated that the Project site is located within the Tribe’s ancestral territory and that formal consultation was requested of the City by the Tribe.

Formal consultation was conducted over the phone on April 2, 2020 with three representatives from the City and two representatives from the Tribe present. After a description of the Project, history of water improvements and the nature of soils in the Project area were provided by the City, the Tribal representatives presented their knowledge of cultural resources in the area as well as their concerns regarding what the Tribe believes to be potential impacts to unknown cultural resources as a result of the proposed Project. The Tribal representatives stated that they request monitoring of soils during ground disturbing activities and that the Tribe is not requesting any Project alternatives or avoidance. The City contacted the Tribe via email on April 29, 2020 and provided proposed mitigation language developed based on the Tribe’s input during the April 2, 2020 consultation. Within the email, the City stated that the consultation process will be considered complete absent of further communication to the contrary from the Tribe on or before May 15, 2020. On May 12, 2020, the Tribe emailed the

City and provided further language and documentation supporting their request for mitigation measures stating, “we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs.” The Tribe attached to the email specific mitigation language approved by their Tribal Government and requested the mitigation measures be incorporated into the EIR. Table 4.9-1 summarizes the results of the AB 52 process for the proposed Project. Complete documentation of the AB-52 process can be found in Appendix I-1 and Confidential Appendix I-2.

Table 4.9-1 Assembly Bill 52 Native American Tribal Outreach Results

Native American Tribal Representatives	Method of Notification/Date	Response Received
Andrew Salas, Chairperson Gabrieleño Band of Mission Indians – Kizh Nation	Certified Mail; November 7, 2019	Tribe requested formal consultation, via email, regarding the proposed Project on November 15, 2019. Consultation meeting between the City and the Tribe occurred on April 2, 2020. The Tribe requested monitoring of ground disturbance during the April 2, 2020 consultation meeting. The City contacted the Tribe via email on April 29, 2020 and provided proposed mitigation language. On May 12, 2020 the Tribe emailed the City and provided further language supporting their request for mitigation measures as well as specific mitigation language approved by their Tribal Government. In response to the Tribe’s request, the City revised the mitigation language to be consistent with the Tribe’s requested mitigation measures via email on June 8, 2020. The Tribe responded to this email on the same day and proposed a different revised measure. This revised language is set forth in MM-TCR-1 and MM-TCR-2 of this Draft EIR. This email signifies the conclusion of the consultation pursuant to AB-52.
Sam Dunlap Gabrielino – Tongva Tribe	Certified Mail; November 7, 2019	No response received

4.9.3 Relevant Plans, Policies, and Ordinances

Federal

No federal requirements related to TCRs are applicable to the proposed Project.

State/Regional

California Register of Historical Resources

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural

annals of California” (California Public Resources Code Section 5020.1(j)). In 1992, the California legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code Section 5024.1(a)). The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP, enumerated below. According to California Public Resources Code Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see 14 CCR 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- California Public Resources Code Section 21083.2(g) defines “unique archaeological resource.”
- California Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a) define “historical resources.” In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource.” It also defines the circumstances when a project would materially impair the significance of an historical resource.
- California Public Resources Code Section 21074(a) defines “tribal cultural resources.”
- California Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- California Public Resources Code Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures; preservation-in-place is the

preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(b).) If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code Section 5024.1(q)), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines Section 15064.5(b)(1); California Public Resources Code Section 5020.1(q)). In turn, CEQA Guidelines section 15064.5(b)(2) states the significance of an historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any “historical resources,” then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource’s historical significance is materially impaired.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (California Public Resources Code Section 21083.2[a], [b], and [c]).

California Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (California Public Resources Code section 21083.2(a); CEQA Guidelines Section 15064.5(c)(4)). However, if a non-unique archaeological resource qualifies as tribal cultural resource (California Public Resources Code Section 21074(c), 21083.2(h)), further consideration of significant impacts is required. CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in California Public Resources Code Section 5097.98.

California State Assembly Bill 52

AB 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that TCRs must be considered under CEQA and also provided for additional Native American consultation requirements for the lead agency. Section 21074 describes a TCR as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American tribe and that is either:

- On or determined to be eligible for the California Register of Historical Resources or a local historic register; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with the project site, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

Section 1 (a)(9) of AB 52 establishes that “a substantial adverse change to a TCR has a significant effect on the environment.” Effects on TCRs should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a TCR or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to TCRs, the consultation shall include those topics (PRC Section 21080.3.2(a)). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted through the approval of the environmental document (PRC Section 21082.3(a)).

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to

contain human remains can occur until the county coroner has examined the remains (Health and Safety Code Section 7050.5(b)). PRC Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Health and Safety Code Section 7050.5(c)). The NAHC will notify the “most likely descendant.” With the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the most likely descendant by the NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Local

Hahamongna Watershed Park Master Plan

The Arroyo Seco Master Plans are a set of documents defining the community vision for the Arroyo Seco Natural Park. The set is comprised of four separate planning documents: the Lower Arroyo Master plan, Central Arroyo Master Plan, Hahamongna Watershed Park Master Plan, and Design Guidelines. The Hahamongna Watershed Park Master Plan is relevant to this report. The Hahamongna Watershed Park Master Plan illustrates a vision for the 300-acres of open space that extends from Devil’s Gate Dam north and into the Arroyo Seco Canyon, on the northwestern edge of the City (City of Pasadena 2003). The Master Plan was adopted to establish a framework for recreation, water resources, flood management, habitat restoration, and cultural resources in this area. Applicable goals and objectives from this Master Plan related to tribal cultural resources are listed below.

Goal 5: Enrich and promote the unique history and culture of Hahamongna Watershed Park.

Objectives:

- Develop HWP as a “living laboratory” for local schools and environmental education programs.
- Preserve and encourage Native American use of HWP as a cultural resource.
- Develop passive viewing areas with unique vantage points.

4.9.4 Thresholds of Significance

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

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

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.9.5 Environmental Impacts Analysis

Threshold 4.9a **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

Short-Term Construction Impacts

As described above and under Section 4.3, Cultural Resources, no archaeological resources were identified within the Project site as a result of the CHRIS records search or Native American outreach and three previously recorded prehistoric or historic-era archaeological resources that were identified within 0.5-mile of the Project. No previously recorded TCRs listed in the CRHR or a local register were identified within the Project site. During the AB 52 notification and consultation process, the consulting Tribe provided documentation for their belief that TCRs affiliated with the Tribe do exist within and surrounding the proposed Project site and stated, “we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs.” A short-term impact to a TCR can be defined as an impact that would prevent potential use of or access to a tribal cultural resource, such as for ceremonial purposes. No TCRs have been identified on the Project site that meet this criteria of use. Therefore, there are no Project-related conditions that would cause a short-term impact, regardless of presence of any archaeological or tribal cultural resources. Therefore, short-term construction impacts related to a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources would be less than significant, and no mitigation is required.

Long-Term Operational Impacts

Based on the results of the archaeological records search, the NAHC Sacred Land Files search and AB 52 consultation impacts to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required. However, in response to the AB 52 consultation, the City has developed mitigation measures to ensure the proper treatment of unknown Tribal Cultural Resources that could potentially be encountered during ground disturbing activities, as described under Threshold 4.9b.

Threshold 4.9b **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Short-Term Construction Impacts

Pursuant to AB 52, the City sent notification letters on November 7, 2019 to two tribes that have requested notification of Pasadena projects (see Table 4.9-1). As of the timing of the preparation of this Draft EIR, the Gabrieleño Band of Mission Indians – Kizh Nation is the only Native American individual or tribal organization to have responded to the City’s notification letter dated November 7, 2019. Andrew Salas, Chairperson of the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe) provided a response that was received by the City on November 15, 2019. Mr. Salas stated that the Project site is located within the Tribe’s ancestral territory and that formal consultation was requested of the City by the Tribe. Formal consultation was conducted over the phone on April 2, 2020 with three representatives from the City and two representatives from the Tribe present. After a description of the Project, history of water improvements and the nature of soils in the Project area provided by the City, the Tribal representatives presented their knowledge of cultural resources in the area as well as their concerns regarding what the Tribe believes to be potential impacts to cultural resources as a result of the proposed Project. As stated under Threshold 4.9a above, no previously recorded TCRs listed in the CRHR or a local register were identified within the Project site. During the AB 52 notification and consultation process, the consulting Tribe provided documentation for their belief that TCRs affiliated with the Tribe do exist within and surrounding the proposed Project site and stated, “we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs.”

The Tribal representatives stated that they request monitoring of soils during ground disturbing activities and that the Tribe is not requesting any Project alternatives or avoidance. The City contacted the Tribe via email on April 29, 2020 and provided proposed mitigation language developed based on the Tribe’s input during the April 2, 2020 consultation. Within the email, the City stated that the consultation process will be considered complete absent of further communication to the contrary from the Tribe on or before May 15, 2020. On May 12, 2020, the Tribe emailed the City and provided further language and documentation supporting their request for mitigation measures stating, “we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs.” The Tribe attached to the email specific mitigation language approved by their Tribal Government and requested the mitigation measures be incorporated into the Draft EIR.

Although no TCRs have been identified as present within the Project site as a result of the NAHC SLF and a review of the CRHR and local register, information gathered during tribal consultation demonstrates a potential for unknown subsurface TCRs to be impacted by the Project, which could result in a significant impact.

Therefore, mitigation measures have been included to provide for tribal monitoring of ground disturbing activities (MM-TCR-1), and inadvertent discovery of TCRs (MM-TCR-2). Implementation of MM-TCR-1 and MM-TCR-2 would ensure that potential short-term construction impacts related to an unknown site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, would be reduced to a level less than significant.

Long-Term Operational Impacts

Long-term operational impacts are consistent with the short-term construction impacts and as such, no additional mitigation measures are required.

4.9.6 Cumulative Impacts

The cumulative impacts analysis on TCRs considers whether impacts of the proposed Project together with other projects identified within the vicinity of the Project site, when taken as a whole, substantially diminish the number of TCRs within the same or similar context. Sufficient evidence of existing TCRs within or surrounding the Project site has not been identified through various records searches or AB 52 consultation and as such, the Project site is not part of an existing or known grouping of TCRs that would be impacted as part of the cumulative impacts of other projects. The Devil's Gate Sediment Removal Project, as discussed in Section 3.5, Cumulative Impacts of this Draft EIR, is located to the south and west of the proposed Project site. Since the Devil's Gate project EIR was completed prior to the enactment of AB 52, no formal tribal consultation was conducted (Los Angeles County Department of Public Works 2014). However, the project EIR did include mitigation measures, including archaeological monitoring of native sediments, to address any potential impacts to known or unknown cultural resources. It is anticipated that TCRs that are potentially affected by related projects would also be subject to the same requirements of CEQA and AB 52 as the proposed Project and any impacts would be mitigated, as applicable. These determinations would be made on a case-by-case basis, and the effects of cumulative development on TCRs would be mitigated to the extent feasible in accordance with CEQA and other applicable legal requirements. Therefore, the proposed Project would not cumulatively contribute to a significant impact associated with TCRs and impacts would be less than significant.

4.9.7 Mitigation Measures

MM-TCR-1 Prior to commencement of any ground-disturbing activities, the City of Pasadena shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill AB 52 (the “Tribe” or the “Consulting Tribe”). The Tribal monitor shall only be present on the Project site during the construction phases that involve ground-disturbing activities. Ground disturbing activities may include, but may not be limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the Project area. The Tribal Monitor shall complete daily monitoring logs that provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground disturbing activities at the Project site have little to no potential for impacting

Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by Project activities shall be evaluated by the qualified archaeologist (as required in MM-CUL-4) and the Tribal Monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes.

MM-TCR-2 If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue on other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

4.9.8 Level of Significance After Mitigation

With adherence to MM-TCR-1 and MM-TCR-2, the potential for impacts to TCRs as a result of the proposed Project would be less than significant.

4.9.9 References

City of Pasadena. 2003. *Hahamongna Watershed Park Master Plan*. Adopted September 29, 2003.

Accessed February 21, 2020. <https://www.cityofpasadena.net/wp-content/uploads/sites/29/Hahamongna-Watershed-Park-Master-Plan.pdf>.

Los Angeles County Department of Public Works. 2014. “Executive Summary.” In *Devil’s Gate Reservoir Sediment Removal and Management Project Final Environmental Impact Report (FEIR)*. October 2014. https://pw.lacounty.gov/wrd/Projects/DevilGate/FEIR/Devils_Gate_FEIR_2014_10_20_Vol_1_Executive_Summary.pdf.

INTENTIONALLY LEFT BLANK