

5.3 CULTURAL RESOURCES

Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. This section of the DEIR evaluates the potential for implementation of the Puente Hills Intermodal Facility (PHIMF) to impact cultural resources. The analysis in this section is based, in part, on the following information:

- McKenna et al., *Phase I Cultural Resource Investigation for the Proposed Puente Hills Intermodal Facility in the City of Industry, Los Angeles County, California*, February 15, 2006.

A complete copy of this study is included in Appendix D in Volume IIA of this DEIR.

5.3.1 Environmental Setting

Regulatory Background

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) authorized the creation of the National Register of Historic Places (National Register) and coordinates public and private efforts to identify, evaluate, and protect the nation's historical and archaeological resources. The National Register includes districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to take into account the effects of their undertakings on historical properties. Section 106 Review refers to the federal review process designed to ensure that historical properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process, with assistance from state historic preservation offices.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal and Indian lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants and culturally affiliated Indian tribes.

California Public Resources Code

Archaeological, paleontological, and historical sites are protected pursuant to a wide variety of state policies and regulations enumerated under the California Public Resources Code. In addition, cultural and paleontological resources are recognized as nonrenewable resources and, therefore, receive protection under the California Public Resources Code and CEQA.



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- California Public Resources Code Sections 5020–5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The Commission oversees the administration of the California Register of Historical Resources and is responsible for the designation of state Historical Landmarks and Historical Points of Interest.
- California Public Resources Code Sections 5079–5079.65 define the functions and duties of the Office of Historic Preservation (OHP). The OHP is responsible for the administration of federally and state-mandated historical preservation programs in California and the California Heritage Fund. The State Historic Preservation Officer (SHPO) is responsible for the operation and management of the OHP, as well as long range preservation planning.
- California Public Resources Code Sections 5097.9–5097.998 provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the Native American Heritage Commission (NAHC). These sections also require notification of discoveries of Native American human remains to descendants and provide for treatment and disposition of human remains and associated grave goods.

California Senate Bill 18

Existing state law provides limited protection for Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places. These places may include sanctified cemeteries, religious or ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historical sites, Native American rock art inscriptions, or features of Native American historical, cultural, and sacred sites.

Senate Bill 18 (SB 18) on Traditional Tribal Cultural Places (TTCPs) was signed into law in September 2004 and went into effect on March 1, 2005. It places new requirements upon local governments for developments within or near TTCPs. Per SB 18, the law requires local jurisdictions to provide opportunities for the involvement of California Native American tribes in the land planning process for the purpose of preserving TTCPs. The Final Tribal Guidelines recommend that the NAHC provide written information as soon as possible but no later than 30 days after such a request is made to inform the lead agency if the proposed project is determined to be in proximity to a TTCP, and another 90 days for tribes to respond if they want to consult with the local government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. The local government refers action to agencies 45 days before the action is publicly considered by the local government council, following the CEQA public review timeframe. The CEQA public distribution list may or may not include tribes listed by the NAHC who have requested consultation. If the NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, they are included in the project's EIR. If both the County and the tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.

SB 18 institutes a new process that would require a city or county to consult with the NAHC and any appropriate Native American tribe for the purpose of preserving relevant TTCPs prior to the adoption, revision, amendment, or update of a city's or county's general plan. In addition, SB 18 provides a new definition of TTCPs, which requires a demonstration that the site has actually been used for activities associated with Native American traditional beliefs, cultural practices, or ceremonies. Previously, a TTCP cultural site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 also amended Civil Code Section 815.3 to add California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

Local Setting

The PHIMF is located in an industrial area in the eastern portion of Los Angeles County. This area includes properties inhabited and/or utilized during prehistoric, historical, and modern times.

Cultural Setting

Prehistory

The project site and surrounding area is located in an ethnographic area associated with Gabrielino (Tongva) of the Los Angeles, San Gabriel, Rio Hondo, and Santa Ana River drainages. The Gabrielino were present in the Late Prehistoric/Protohistoric period. The term Gabrielino is a reference to the direct association between the Native American population of the San Gabriel Valley and the Mission San Gabriel Arcangel. The mission was originally located in the Whittier Narrows area but relocated shortly after its founding because of unstable ground along the Rio Hondo/San Gabriel River channels. The Mission San Gabriel serviced the entire San Gabriel Valley, ranging from the coast to the San Gabriel/San Bernardino Mountains, and from northern Los Angeles County to just north of San Juan Capistrano.

Archaeological data and correlations with ethnographic data have resulted in the general acceptance of a basic chronology for prehistoric coastal southern California:

- **Early Man Horizon** (predating 6,000 B.C.) is characterized by the presence of large projectile points and scrapers, suggesting a reliance on hunting rather than gathering.
- **Milling Stone Horizon** (6,000 to 1,000 B.C.) is characterized by the presence of hand stones, milling stones, choppers, and scraper planes; tools associated with seed gathering and shell fish processing with limited hunting activities; and evidence of a major shift in the exploitation of natural resources.
- **Intermediate Horizon** (1,000 B.C. to A.D. 750) reflects the transitional period between the Milling Stone and the Late Prehistoric Horizons. Little is known of this period, but evidence suggests interactions with outside groups and a shift in material culture reflecting this contact.
- **Late Prehistoric Horizon** (A.D. 750 to European Contact) is characterized by the presence of small projectile points, use of the bow and arrow, steatite containers and trade items, asphaltum, cremations, grave goods, mortars and pestles, and bedrock mortars.

Recent investigation in the Newport Bay/Irvine area of Orange County has yielded significant data resulting in refinements to the above coastal chronological sequences (Mason and Peterson 1994). However, these findings do not necessarily change the basic chronology, but rather distinguish more individual periods of occupation.

Historical Period

The earliest known records of European contact with southern California Native Americans date to the mid-1500s, representing the early explorations of the Spanish. These explorations resulted in the identification of populations from the ships but did not include direct contact. Personal contact was not made until the 1770s, when Father Garces traversed the Mojave Desert and entered coastal southern California through the Cajon Pass.



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In the 1770s, the Spanish padres, under the direction of Junipero Serra, began the process of establishing a series of missions throughout Alta California, as California was then known. The project site is within the boundaries of lands historically held by the Mission San Gabriel Arcangel. The Catholic Church continued to hold these large tracts until the Mexican government declared independence from Spain and issued orders for secularization of the missions. By 1833–34, the majority of mission lands were taken from the Catholic Church and granted to individuals who had served as either Spanish or Mexican soldiers, settlers, financiers, etc.

Following secularization, the area comprising the Mission San Gabriel Arcangel holdings was known as the Rancho Paso de Bartolo (Pico), an 8,991-acre property. Bartolo Tapia is listed as the owner of a rancho in the Los Angeles District in 1816. Governor Pio Pico acquired Rancho Paso de Bartolo between 1850 and 1852. Governor Pico maintained ownership until his mortgage holder foreclosed on loans, resulting in the loss of his holdings to B. Cohn, W. J. Brodrick, and Charles Prager.

By the late 1800s, the area in which the project site is located was purchased by F. L. Pellissier and was referred to as the Pellissier Ranch on Workman Mill Road. Frank Pellissier, Jr., founded the Pellissier Dairy Farm in 1930 and ran livestock along San Jose Creek. The City of Industry was officially founded in 1958. The area of the City in which the project site is located was added later and is not a part of the Workman-Rowland holdings that defined the original City boundaries. With the founding of the City of Industry, dairy land gave way to industrial development, which continues today. Pellissier Place was developed by 1966 but development between Pellissier Place and the Union Pacific Railroad (UPRR) alignment did not occur until 1978.

Methodology

To determine the presence of paleontological, archaeological and historical resources within the project site, McKenna et al. completed an archaeological records check, Native American consultation, paleontological overview, and field survey. A copy of McKenna's cultural studies report is provided in Volume IIA, Appendix D. The field survey of the PHIMF project site, off-site project areas and UPRR alignment was conducted on February 1 and February 6, 2006.

Paleontological Resources

A paleontological overview of the project site was prepared by the Natural History Museum of Los Angeles County. The project area is within an area of recent surficial alluvium that is unlikely to yield paleontological specimens. No known fossil deposits are known for the general area, although specimens have been recovered from the Puente Hills/Whittier Hills.

Archaeological Resources

An archaeological records check revealed 19 studies that have been conducted within one mile of the project site. Despite the extent of the studies, no prehistoric resources or prehistoric isolates have been identified in the area.

A Native American consultation was conducted by contacting the NAHC in Sacramento and inquiring into the presence/absence of significant sites within the general area. In addition, a listing of Native Americans within Los Angeles County was obtained and the chair of the Gabrielino/Tongva was contacted as to the likelihood that this area would yield Native American resources. No written or verbal comments were received during the consultation.

Historical Resources

An archaeological records search identified records for two historical resources in the immediate project area:

- **Site 19-186-889.** The Whittier Narrows Dam Recreation Area. Within the site are reported features that include the Nature Center, a historical gauge station, a water tank, and four other structures or structural remains.
- **Site 19-189-112.** The UPRR alignment, described as a standard-gauge railroad with segments dating as early as the 1870s. The original system was completed in 1905 and significant improvements were completed throughout the twentieth century. The UPRR alignment is eligible for the National Register of Historic Places under Criteria A and B (association with events and persons), but not under Criterion C (architectural integrity and design) or Criterion D (ability to yield significant scientific data), because of significant alterations that have obliterated all evidence of original alignments.

All improvements in the project area are modern. Even the railroad alignment has been subject to numerous improvements, negating evidence of historical alignment.

5.3.2 Thresholds of Significance

CEQA Guidelines, Section 15064.4, provides direction on determining the significance of impacts to archaeological and historical resources. Typically, a resource shall be considered “historically significant” if the resource meets the criteria for listing, including:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated with the lives of persons important in our past;
- 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; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in or determined to be eligible for listing in the California Register of Historical Resources, or is not included in a local register of historical resources, does not preclude a lead agency from determining that the resource may be an historical resource.

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- C-4 Disturb any human remains, including those interred outside of formal cemeteries.



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The Initial Study for the PHIMF project, included in Appendix A, Volume IIA, of this DEIR, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold C-1

This impact will not be addressed in the following analysis.

5.3.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study, included as Appendix A, disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

IMPACT 5.3-1: CONSTRUCTION OF THE PHIMF MAY UNCOVER UNDISCOVERED SENSITIVE ARCHAEOLOGICAL RESOURCES OR PALEONTOLOGICAL RESOURCES. [THRESHOLDS C-2 AND C-3]

Impact Analysis: There is no evidence of paleontological or prehistoric resources within the project area. Development of the PHIMF would entail excavation and other ground-disturbing activities at the project site, within the area used to construct the off-street access between the PHMRF and PHIMF, and within the railroad right-of-way. In some cases, the ground-disturbing activities would reach depths not previously encountered during construction of the existing improvements.

Paleontological Resources

A paleontological overview of the project site identified that the project area is within an area of recent surficial alluvium, which is unlikely to yield paleontological specimens. However, specimens have been found in the adjacent Puente Hills/Whittier Hills area. Furthermore, excavations exceeding the depths of the recent alluvial deposits may encounter previously undiscovered paleontological resources. The project may exceed depths of recent alluvial deposits during excavation and construction of the off-street access road beneath Workman Mill Road and the UPRR right-of-way. Maximum excavation depths for the off-street access improvements would be approximately 30 feet.

Archaeological Resources

The San Jose Creek flood plain is a highly disturbed area that is unlikely to yield evidence of undisturbed or intact prehistoric remains. An archaeological records search of the vicinity, which identified 19 previous studies, did not indicate the presence of any prehistoric resources or prehistoric isolates within a one-mile radius of the project site. However, the potential remains for buried resources to be uncovered.

IMPACT 5.3-2: NO EVIDENCE OF HUMAN REMAINS HAS BEEN IDENTIFIED WITHIN THE PROJECT AREA. [THRESHOLD C-4]

Impact Analysis: There is no evidence of prehistoric remains within the project area, but the general area is known to have been inhabited through the Late Prehistoric and early historical periods by Gabrielino/Tongva. Buildout of the PHIMF could unearth human remains, including those outside of formal cemeteries. If remains are uncovered, all work in the vicinity of the site would be stopped and there would be no disturbance or relocation of the remains except in accordance with California Public Resources Code Section 5097.98.

5.3.4 Cumulative Impacts

The project area was not found to contain significant paleontological, archaeological, historical, or cultural resources. However, the research and analysis did not fully eliminate the potential for disturbing unknown buried resources. The potential for impacts to cultural resources from other cumulative projects identified within the area is unknown, but likely similar due to their location in the eastern Los Angeles County. Destruction of significant cultural resources from one or more of these projects would constitute a significant cumulative impact. However, similar to the proposed project, other projects would require some degree of construction monitoring, which would minimize the potential to disturb significant archaeological resources. If resources are found, they would be dealt with through testing, archiving, and recovery of any resources prior to development of the site. The proposed project has incorporated Mitigation Measures (3-1 through 3-4) that would reduce the potential for the proposed project to contribute to cumulative impacts. Therefore, the PHIMF project's contribution to cumulative impacts to cultural resources would be less than significant and, therefore, less than cumulatively considerable.

5.3.5 Existing Regulations and Standard Conditions

Development of the Puente Hills Intermodal Facility shall comply with the provisions of the following regulations:

- National Historic Preservation Act of 1966
- Archaeological Resources Protection Act of 1979
- Native American Graves Protection and Repatriation Act of 1990
- California Public Resources Code Sections 5020–5029.5; 5079–5079.65; 5097.9.–5097.998
- California Health and Safety Code Section 7050.5
- California Senate Bill 18



5.3.6 Project Design Features

No specific project design features are related to cultural resources.

5.3.7 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, particularly California Public Resources Code Section 5097.98, Impact 5.3-2 would be less than significant.

Without mitigation, the following impact would be **potentially significant**:

- Impact 5.3-1 Construction of the PHIMF may uncover undiscovered sensitive archaeological resources or paleontological resources.

5.3.8 Mitigation Measures

Impact 5.3-1

- 3-1 Prior to construction, the County Sanitation District No. 2 of Los Angeles County shall retain a qualified archaeologist and paleontologist to remain on call during grading and ground-altering activities at the site.

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- 3-2 If buried cultural resources are inadvertently discovered during ground-disturbing activities, the contractor shall ensure that all work will stop in that area and within 100 feet of the find until the qualified on-call archaeologist arrives on-site, can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County Sanitation District No. 2 of Los Angeles County. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to CEQA.
- 3-3 In the event that suspected paleontological resources are uncovered or otherwise identified as a result of the proposed ground disturbances, all work shall be stopped or temporarily diverted in the vicinity of the find until a qualified paleontologist can conduct an evaluation and recommend measures to reduce impacts to the resources. Identified paleontological resources shall be analyzed in accordance with standard guidelines and curated with the facilities at either California State University, Fullerton, or the Natural History Museum of Los Angeles County.
- 3-4 The paleontological and archaeological monitor(s) must have the authority to halt any project-related activities that may be adversely impacting potentially significant resources.

5.3.9 Level of Significance After Mitigation

Mitigation Measures 3-1 through 3-4 would reduce potential impacts associated with cultural resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to cultural resources remain.