

## Joelle Guerra

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**From:** Gabrieleno Administration <admin@gabrielenoindians.org>  
**Sent:** Thursday, August 10, 2023 4:06 PM  
**To:** Joelle Guerra  
**Subject:** AB52- IDS Warehouse EIR  
**Attachments:** IDS Warehouse EIR\_1938map\_JPG; IDS Warehouse EIR\_1898map\_JPG; Gabrieleno Community Map.JPEG; IDS Warehouse EIR\_1881map\_JPG; Pimokangna.JPEG; Rancho La Puente Map.jpg; Rancho La Puente\_California's Gabrielino Indians\_1962.jpg; Rancho La Puente\_California's Gabrielino Indians\_1962\_Page2.jpg; Rancho La Puente\_The First Angelinos\_1996.png.jpg; San Jose Creek\_California's Gabrielino Indians\_1962.jpg; IDS Warehouse EIR Mitigation Measures.pdf; CHRIS\_OHP\_Archaological Sensitivity Letter - Copy.pdf; ERA CRM Monitoring letter.pdf; 15000 Rancherias houses - Copy.pdf; SLF\_NAHC statement.jpg; TCR\_Public Resources Code-Sec21074.pdf; Location of Village.jpg

Hello Joelle,

In order to enable the AB52 process to continue without delay we are providing our concerns in written form for this project in lieu of the in-person meeting. The information provided herein is to be kept confidential as part of AB52 which requires that any information – not just documents – submitted by a California Native American tribe during the environmental review process to not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency or to the public consistent with Gov. Code Sections 6254, subd.(r) and 6254.10. (Pub. Resources Code § 21082.3, subd. (c)(1)). We ask that the information be included and kept in a confidential appendix to be mentioned in the public document but not included. This confidential appendix shall be available for use to those associated to the project but no entity outside of the project.

As stated in the Public Resource Code section 21080.3.1. (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources and an area that has cultural value. We are a California Native American tribe with an ancestral connection (higher degree of connection than traditionally and culturally affiliated) to the project area as we are lineal descendants to the village(s) within and around the project area.

Since subsurface activities are planned to occur for this project that have potential to impact TCRs, we are providing tribal archive information to your agency to help you understand the high cultural sensitivity of the project location and to explain our concerns with specific subsurface ground disturbance activities that have impacted and destroyed our tribal cultural resources in the past. Attached are documents from historic books, screenshots of historic maps and some explanatory text that was also verbally explained in the phone consultation for your project location to explain the cultural significance of the area and the high amount of pre-historic human activity that occurred there.

This IDS Warehouse EIR\_1938map\_ indicates the project location within the most prominent Gabrieleno communities of Pimokangna and Awingna whose land area is now known as the city of Walnut. All of our mainland villages (sans our island villages) overlapped each other to help facilitate the movement of tribal cultural resources throughout the landscape and also to our sister tribes outside of our traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoining villages depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activity can be pronounced within the shared use areas due to the combined use by multiple villages and TCR's may be present in the soil layers from the thousands of years of human activity within that landscape.

The IDS Warehouse EIR\_1898map\_ indicates the project location area within Rancho La Puente. All Ranchos were placed within ancient village locations because of the available human workforce and the abundant natural resources located in that area. The Rancho owners were granted the land and the inhabitants of the land for their labor force to raise wheat and corn with many of them cultivating vineyards to make wine and brandy. They also raised cattle and sheep, made leather goods and tanned hides, made soap and candles, and colored clothing and many other items that were shipped back to Spain. The natural resources included waterways, waterbodies, springs, elevated ground, food resources and land area for their cattle. We explained verbally during the consultation about how ranchos help identify ancient village locations but also have included documents and photos that provide information regarding what area and how Rancho La Puente was located on our ancient villages of Pimokangna and Awingna.

This IDS Warehouse EIR\_1898map\_ shows the project's close proximity to a railroad that existed in this location. All railroads were placed on top of our Tribe's traditional trade routes because when the first railroad planners came out west, the topography was too varied to place the rail lines just anyplace, so they chose the paths of least resistance that already existed which were our traditional trade routes that were flattened by human travel over thousands of years of use. Therefore, the railroad corridor represents the geographically defined location of the trade route in terms of the approximate location and size and scope of the cultural landscape.

The IDS Warehouse EIR\_1898map\_, IDS Warehouse EIR\_1881map\_ and IDS Warehouse EIR\_1938map\_ shows the many trade routes around the project area. Trade routes were heavily used by our Tribe for movement of trade items, visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around these routes contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often still contain isolated burials and cremations from folks who died along the trail.

These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried where they died. Therefore, isolated burials are more concentrated and likely to occur in proximity to our trade routes, especially the major trade routes.

Trade routes are considered a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

The IDS Warehouse EIR\_1938map\_ indicates the hydrography or waterways that existed around the project area. All water sources were used by our Tribe for life sustenance. Along these watercourses and water bodies occurred seasonal or permanent hamlets, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites of our ancestors. These activities occurred around water, both inland and coastal, because these water areas create unique habitats and riparian corridors that provide an abundance of food and medicine resources along with aesthetically peaceful areas with running water, shade trees, and shelter. Larger water bodies were high attractants for human activity and the banks and shores of these water bodies have a higher than average potential for encountering Tribal Cultural Resources of artifacts and human remains during ground disturbing activities. Waterways are a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

Due to the project site being located within and around a perennial Communities (Pimokangna, Awingna), adjacent to sacred water courses and major traditional trade routes, there is a high potential to impact Tribal Cultural Resources still present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Therefore, to avoid impacting or destroying Tribal Cultural Resources that may be inadvertently unearthed during the project's ground disturbing activities and pursuant to our consultation, we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs. . . "tribal cultural resources" are defined as (1) "sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state or local register of historical resources or that are determined to be eligible for inclusion in the state register; and (2) resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. Pub Res C

§21074(a). A lead agency's determination whether a resource meets the criteria for listing in the state register must be supported by substantial evidence and must consider the significance of the resource to the tribe. Pub Res C §21074(a)(2). A "cultural landscape" may qualify as a tribal cultural resource to the extent it is "geographically defined in terms of the size and scope of the landscape." Pub Res C §21074(b) Moreover, Public Resources Code ("PRC") Section 21084.2 states that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." A project that may have a significant effect on the environment requires appropriate mitigation. (PRC § 21082.3(b).) Through the consultation process, AB 52 authorized California Native American tribes to assist lead agencies in identifying, interpreting, and determining the significance of TCRs. (See AB 52, Legislative Digest.) Unless the environmental document includes protective measures agreed on during the consultation process, "if substantial evidence demonstrates" the project "will cause" a significant effect to a TCR, the agency must "consider" feasible mitigation measures "pursuant to" Pub Res C §21084.3(b).

As well, Consultation is not deemed concluded for purposes of CEQA until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource, or when a party concludes, after a reasonable effort, that mutual agreement cannot be reached. (PRC §21080.3.2(b).) Any mitigation measures agreed on during the consultation process must be recommended by lead agency staff for inclusion in the environmental document and the mitigation monitoring and reporting program for the project pursuant to section 21082.3(a) of the PRC. Moreover, now that consultation has begun, as the lead agency, you may certify an EIR or adopt a mitigated negative declaration for the subject project (which may have a significant impact on a tribal cultural resource ) only after consultation has concluded. (PRC §21082.3(d).)

As part of the AB consultation, we have requested any and all information that the lead agency may possess or has access to attain regarding the history of the subsurface soils that will be impacted as part this project's ground disturbance activities. The reason this information is important in helping to determine the presence or absence of Tribal Cultural Resource objects still present in the soils is because the majority of the TCR objects we have recovered have come from previously disturbed soils that are described in soils reports as "fill soils". Therefore, TCR objects are found in both disturbed and undisturbed soils. Therefore, the key information we are requesting is information about whether the "original" soils of the project location are still present onsite, whether they have been disturbed or not. The usual construction practices of the past were to excavate soils, place them to the side, put in the infrastructure, then "backfill"

with the same soils. We have found this is the case in most urban areas that were built prior to 1990. However, if there has ever been soils "removed" and "replaced" by new soils (e.g. engineered, cleaned, imported) and documents exists about the original soils having been removed from the project's footprint then those documents are very important in our analysis for our concerns. If the soil is documented as imported to the site and all new construction will be within these soils, then our concerns for ground disturbance activities are greatly reduced. In the absence of documentation or if it is known the original soils are still present within the project footprint, protective measures shall be created and implemented.

Please find attached the proposed mitigation measures for the subject project. Once you have reviewed them, please provide written notification to the Tribe stating whether and to what extent you will include and require the proposed mitigations for TCR for the subject project so that we may conclude our consultation, and if you do not agree with the mitigations as proposed, so that we may continue our consultation discussions in an effort to reach a mutual agreement.

Admin Specialist

Gabrieleno Band of Mission Indians - Kizh Nation PO Box 393 Covina, CA 91723

Office: 844-390-0787

website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)

The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties.

It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock.

"The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area " . "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived."