

4.3 Cultural Resources

4.3.1 Introduction

This cultural resources section addresses proposed project impacts on archaeological resources, paleontological resources, Tribal cultural resources, and disturbance of human remains (hereafter referred to as ‘cultural resources’).

Prior to the preparation of this EIR, an Initial Study (included in Appendix A of this EIR) was prepared using the CEQA Environmental Checklist Form to assess potential environmental impacts associated with cultural resources. For one of these screening thresholds, the Initial Study found that the proposed project would result in “less than significant impacts,” and thus, no further analysis of this topic in an EIR was required. The following Initial Study screening criterion related to cultural resources does not require any additional analysis in this EIR:

- ◆ Potential impacts related to a substantial adverse change in the significance of a historical structure that are defined in the State CEQA Guidelines Section 15064.5 as historical resources were evaluated and determined to have a “Less than Significant Impact” in the Initial Study. As discussed therein, evaluation of potential historical structures¹⁷⁵ within and adjacent to the proposed project site was conducted by Historic Resources Group (HRG) in June 2016.¹⁷⁶ As described in Section V.a. of the Initial Study for the proposed project (included in Appendix A of this Draft EIR), T2 was originally constructed in 1961 but was demolished and completely reconstructed in place in 1988. T2 is not eligible for listing as a historic resource and is not considered a historical resource as defined in State CEQA Guidelines Section 15064.5. T3 was constructed in 1961 and is the only terminal on the north side of the CTA that includes one of the airport’s original early-1960s oval-shaped satellite terminals. Terminal 3 has been substantially altered since 1961. Very little remains of the original T3 ticketing/baggage building with the exception of remnant ceramic tile cladding in some locations. T3 has also retained its original underground tunnel with mosaic tile murals¹⁷⁷ connecting the original (1961) ticketing/baggage building to the oval shaped satellite building. The T3 satellite, built in 1961, remains largely intact but its southern façade has been altered by the addition of an aboveground concourse pier connecting the ticketing/baggage claim buildings to the satellite. Alteration of the original ticketing/baggage building and the addition of the connecting concourse in the 1980s have substantially changed the original 1961 configuration of T3 such that its original form is only partially apparent. T3 no longer retains sufficient integrity to be eligible for listing as a historic resource and is not considered a historical resource as defined in the State CEQA Guidelines Section 15064.5.

Three identified historical structures that are considered historical resources as defined in the State CEQA Guidelines Section 15064.5 are located in the vicinity of the proposed project site: 1) Theme Building (eligible for National Register, listed in California Register, and a designated Los Angeles Historic Cultural Monument (HCM)), located in the center of the CTA, approximately 550 feet southeast of the proposed project site, opposite World Way; 2) 1961 Air Traffic Control Tower (eligible for local listing as a City of Los Angeles HCM), located at the eastern entrance of the CTA, approximately 1,200 feet southeast of the proposed project site; and 3) Terminal 6 Sign Tower (eligible for local listing as a City of Los Angeles HCM), located approximately 1,020 feet southeast of the proposed project site. As described in Section V.a. of the Initial Study, construction and operation of the proposed project

¹⁷⁵ Listed or eligible for listing in the National Register of Historic Places or California Register of Historical Resources; included in a local register of historic resources.

¹⁷⁶ Historic Resources Group, LAX Terminals 2 and 3 Modernization Project Historic Resources Technical Report, June 2016; included in Appendix A of this Draft EIR.

¹⁷⁷ Construction and operation of the proposed project would not result in the demolition of the underground tunnel associated with the T3 concourse; the ceramic mosaic tile mural would not be demolished or altered by the proposed project.

4.3 Cultural Resources

would not have the potential to cause a substantial adverse change in the significance of any of these three historical structures.

The existing cultural resources in the project area are described below, along with the methodology and the regulatory framework that guided the evaluation of the cultural resources. Impacts to cultural resources that would result from the proposed project are identified, along with any measures to mitigate significant effects of the proposed project if needed.

4.3.2 Methodology

4.3.2.1 Overview

Record searches performed for previous and current projects associated with the Los Angeles International Airport (LAX)^{178,179} were reviewed to determine if previously recorded archaeological sites and paleontological occurrences have been found within LAX or in the surrounding vicinity that require evaluation and treatment. The results provide a basis for assessing the sensitivity of the cultural resources study area for additional and buried archaeological and paleontological resources, as well as human remains.

In addition, a Sacred Lands File (SLF) records search for the project site was commissioned through the California Native American Heritage Commission (NAHC) to determine whether any Native American cultural resources in the NAHC database were located within the project site or within a half-mile radius. On September 14, 2016, the NAHC indicated that the SLF records search was completed with negative results. The NAHC provided a list of Native American groups and/or individuals that have been identified as having affiliation with the project area.¹⁸⁰

4.3.3 Existing Conditions

4.3.3.1 Regulatory Setting

Cultural resources fall within the jurisdiction of several levels of government. Federal laws provide the framework for the identification and, in certain instances, protection of cultural resources. Additionally, state and local jurisdictions play active roles in the identification, documentation, and protection of such resources within their communities. The National Historic Preservation Act of 1966, as amended (NHPA; 54 United States Code 300101 et seq.); California Environmental Quality Act (CEQA); California Register of Historical Resources (Public Resources Code 5024.1); and the City of Los Angeles Cultural Heritage Ordinance (Los Angeles Administrative Code, Section 22.171 et seq.)¹⁸¹ are the primary federal, state, and local laws governing and affecting preservation of cultural resources of national, state, regional, and local significance.

Cultural resources regulations include historic, archaeological and paleontological resources, as well as Tribal cultural resources. Impacts to historic structures were evaluated in the Notice of Preparation/Initial Study (Appendix A of this Draft EIR) and determined to be less than significant.

¹⁷⁸ City of Los Angeles, Final Environmental Impact Report for Los Angeles International Airport (LAX) Proposed Master Plan Improvements, Section 4.9.1 – Historic/Architectural and Archaeological/Cultural Resources, April 2004, Available: <http://www.lawa.org/ourLAX/PastProjects.aspx?id=8844>, Accessed January 19, 2017.

¹⁷⁹ Appendix C of this EIR: PCR Services Corporation, Archaeological and Paleontological Resources Assessment for the Proposed Landside Transportation Program at Los Angeles International Airport, City of Los Angeles, California, January 23, 2015 (Appendix I of the LAX Landside Access Modernization Program Draft Environmental Impact Report, September 15, 2016).

¹⁸⁰ Per an email received from NAHC on January 14, 2016, the Native American consultation list received from NAHC for the adjacent LAX Terminal 1.5 Project on November 24, 2015, was approved for use for the proposed project.

¹⁸¹ Los Angeles Administrative Code, Chapter 9, Division 22, Article 1, Section 22.171 et seq., Cultural Heritage Ordinance, Effective April 2, 2007, Available: <http://preservation.lacity.org/sites/default/files/Cultural%20Heritage%20Ordinance.pdf>.

Federal

National Register

The National Register of Historic Places (National Register) was established by the NHPA as "an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment."¹⁸² The National Register recognizes properties that are significant at the national, state, and/or local levels. To be eligible for listing in the National Register, a resource must be significant in American history, architecture, archaeology, engineering, or culture. The National Register has established four Criteria for Evaluation to determine the significance of a resource:

1. It is associated with events that have made a significant contribution to the broad patterns of our history;
2. It is associated with the lives of persons significant in our past;
3. It embodies the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It yields, or may be likely to yield, information important in prehistory or history.¹⁸³

Districts, sites, buildings, structures, and objects of potential significance that are at least 50 years in age must meet one or more of the above criteria. However, the National Register does not prohibit the consideration of properties less than 50 years in age whose exceptional contribution to the development of American history, architecture, archaeology, engineering, and culture can clearly be demonstrated. In addition to meeting the Criteria for Evaluation, a property must have integrity. "Integrity is the ability of a property to convey its significance."¹⁸⁴ According to National Register Bulletin 15, the National Register recognizes seven aspects or qualities that, in various combinations, define integrity. The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association.

To retain historic integrity, a property will always possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance.¹⁸⁵

In assessing a property's integrity, the National Register criteria recognizes that properties change over time; therefore, it is not necessary for a property to retain all of its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity.¹⁸⁶

¹⁸² 36 Code of Federal Regulations, Section 60.2, Effects of Listing under Federal Law.

¹⁸³ U.S. Department of Interior, National Park Service, National Register Bulletin 16, How to Complete the National Register Registration Form, revised 1997, Available: <https://www.nps.gov/Nr/publications/bulletins/pdfs/nrb16a.pdf>. This bulletin contains technical information on comprehensive planning, survey of cultural resources, and registration in the National Register.

¹⁸⁴ U.S. Department of Interior, National Park Service, National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation, 1995, p. 44, Available: <https://www.nps.gov/NR/PUBLICATIONS/bulletins/pdfs/nrb15.pdf>, Accessed January 19, 2017.

¹⁸⁵ U.S. Department of Interior, National Park Service, National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation, 1995, p. 44, Available: <https://www.nps.gov/NR/PUBLICATIONS/bulletins/pdfs/nrb15.pdf>, Accessed January 19, 2017.

¹⁸⁶ "A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. Because feeling and association depend on individual perceptions, their retention alone is never sufficient to support eligibility of a property for the National Register." U.S. Department of Interior, National Park Service, National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation, 1995, p. 46, Available: <https://www.nps.gov/NR/PUBLICATIONS/bulletins/pdfs/nrb15.pdf>, Accessed January 19, 2017.

4.3 Cultural Resources

NHPA Section 106 Consultation

Section 106 of the NHPA requires federal agencies to take into account the effects of their “undertakings” on historic properties, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is implemented in ACHP regulations (36 Code of Federal Regulations [CFR] Part 800). The Federal Aviation Administration (FAA) would be required to undertake Section 106 consultation before issuing federal approvals for the proposed project.

Under Section 106 consultation, the federal agency first determines whether a proposed project is an undertaking that could affect historic properties. An undertaking is defined in Section 106 as a “project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.” (36 CFR Section 800.16(y).) Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. (36 CFR Section 800.16(l)(1).) If the agency’s undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the area of potential effect (APE). The agency reviews background information, consults with the State Historic Preservation Officer (SHPO), and conducts additional studies as necessary. Section 106 review gives equal consideration to listed properties and unlisted properties meeting National Register criteria.

If the federal agency finds that historic properties are present, it proceeds to assess possible adverse effects. The agency, in consultation with the SHPO, makes an assessment of adverse effects on the identified historic properties. Adverse effects occur when an undertaking may directly or indirectly alter characteristics of a historic property that qualify it for inclusion in the National Register. Examples of adverse effects include physical destruction or damage; alteration not consistent with the Secretary of the Interior’s Standards; relocation of a property; change of use or physical features of a property’s setting; and visual, atmospheric, or audible intrusions. If a property is restored, rehabilitated, repaired, maintained, stabilized, remediated or otherwise changed in accordance with the Secretary of the Interior’s Standards (see below description), then it will not be considered an adverse effect.

If the federal agency and SHPO agree that there will be no adverse effect, the agency proceeds with the undertaking and any agreed-upon conditions. If they find that there would be an adverse effect, the federal agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects. The federal agency then consults with the SHPO and other parties. The ACHP may participate in consultation in some circumstances. Consultation usually results in a Memorandum of Agreement, which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

Secretary of the Interior's Standards

The Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) are intended to promote responsible preservation practices that help protect irreplaceable cultural resources. They are neither technical nor prescriptive, and cannot be used to make essential decisions about which features of the historic building should be saved and which can be changed. However, once treatment is selected—preservation, rehabilitation, restoration, or reconstruction - the Standards provide treatment approaches and philosophical consistency to the work. Choosing the most appropriate treatment for a building requires careful decision making about a building's historical significance as well as taking into account a number of other considerations, including relative importance in history, physical condition, proposed use, and mandated code requirements.

Rehabilitation, the most common treatment, is the process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The Standards for Rehabilitation are as follows:

4.3 Cultural Resources

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.¹⁸⁷

Department of Transportation Act, Section 4(f)

Section 4(f) of the Department of Transportation (DOT) Act, which is codified and renumbered as Section 303(c) of 49 United States Code, provides that the Secretary of Transportation will not approve any program or project that requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance or land from an historic site of national, State, or local significance as determined by the officials having jurisdiction thereof, unless there is no feasible and prudent alternative to the use of such land and such program, and the project includes all possible planning to minimize harm resulting from the use.¹⁸⁸

For Section 4(f) purposes, the term “use” not only includes actual physical takings of Section 4(f) lands but also adverse indirect impacts, or constructive use. Constructive use only occurs if Section 4(f) lands are substantially impaired by a Proposed Action or its alternatives, which includes substantially diminishing the activities, features, or attributes of the Section 4(f) resource that contribute to its significance or enjoyment.

¹⁸⁷ U.S. Department of Interior, National Park Service, Secretary of the Interior's Standards for Rehabilitation. Available: <https://www.nps.gov/tps/standards/rehabilitation.htm>, accessed September 4, 2016.

¹⁸⁸ U.S. Department of Transportation, Federal Aviation Administration, Office of Environment and Energy, Order 1050.1F, Desk Reference, July 2015, Available: http://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/faa_nepa_order/desk_ref/media/desk-ref.pdf, Accessed January 19, 2017.

4.3 Cultural Resources

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and Tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

State

Office of Historic Preservation

The OHP, as an office of the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level. The OHP also carries out the duties as set forth in the Public Resources Code and maintains the California Historic Resources Information System and the California Register. The SHPO is an appointed official who implements historic preservation programs within the state's jurisdiction. CEQA requires projects to identify, analyze, and provide feasible mitigation for substantial adverse impacts that may affect the significance of identified historical resources.

California Register

The California Register of Historical Resources (California Register) was created by Assembly Bill 2881, which was signed into law on September 27, 1992. The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change."¹⁸⁹ The criteria for eligibility for the California Register are based on National Register criteria.¹⁹⁰ Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.¹⁹¹ Per OHP's Instructions for Recording Historical Resources, physical evidence of human activities more than 45 years old may be recorded for purposes of inclusion in OHP's filing system although, similar to the National Register, resources less than 45 years old may also be filed.¹⁹²

The California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- ◆ California properties listed on the National Register and those formally Determined Eligible for the National Register;
- ◆ California Registered Historical Landmarks from No. 770 onward; and
- ◆ CPHI that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.¹⁹³

Other resources that may be nominated to the California Register include:

- ◆ Individual historical resources;

¹⁸⁹ California Public Resources Code, Section 5024.1(a).

¹⁹⁰ California Public Resources Code, Section 5024.1(b).

¹⁹¹ California Public Resources Code, Section 5024.1(d).

¹⁹² California Office of Historic Preservation, Instructions for Recording Historical Resources, March 1995.

¹⁹³ California Public Resources Code, Section 5024.1(d).

4.3 Cultural Resources

- ◆ Historical resources contributing to historic districts;
- ◆ Historical resources identified as significant in historical resources surveys with significance ratings of Categories 1 through 5; and
- ◆ Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as a historic preservation overlay zone.¹⁹⁴

To be eligible for the California Register, a historical resource must be significant at the local, state, or national level, under one or more of the following four 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; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Additionally, a historical resource must retain enough of its historic character or appearance to be recognizable as a historical resource and to convey the reasons for its significance.¹⁹⁵ Historical resources that have been rehabilitated or restored may be evaluated for listing. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. The resource must also be judged with reference to the particular criteria under which it is proposed for eligibility. It is possible that a historical resource may not retain sufficient integrity to meet the criteria for listing in the National Register but may still be eligible for listing in the California Register.¹⁹⁶

Under CEQA, a "project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment."¹⁹⁷ This statutory standard involves a two-part inquiry. The first part is a determination of whether the project involves a historical resource. If it does, the inquiry addresses whether the project may cause a "substantial adverse change in the significance" of the resource. State CEQA Guidelines Section 15064.5 provides that for the purposes of CEQA compliance, the term "historical resources" shall include the following:¹⁹⁸

- ◆ A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in the California Register.
- ◆ A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements in Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat such resources as significant for purposes of CEQA unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- ◆ Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence

¹⁹⁴ California Public Resources Code, Section 5024.1(e).

¹⁹⁵ 14 California Code of Regulations, Chapter 11.5, Section 4852(c), Types of Historical Resources and Criteria for Listing in the California Register of Historical Resources.

¹⁹⁶ 14 California Code of Regulations, Chapter 11.5, Section 4852(c), Types of Historical Resources and Criteria for Listing in the California Register of Historical Resources.

¹⁹⁷ California Public Resources Code, Section 21084.1.

¹⁹⁸ 14 California Code of Regulations, Section 15064.5(a), Determining the Significance of Impacts to Archaeological and Historical Resources.

4.3 Cultural Resources

in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets one of the criteria for listing on the California Register.

- ◆ The fact that a resource is not listed in or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Under CEQA, generally a project that follows the Secretary of the Interior’s standards shall be considered as mitigated to a level of less than a significant impact on the historical resource. CEQA Guidelines Sections 15064.5(b)(3), 15126.4(b)(1).

Assembly Bill 52

Assembly Bill 52 (AB 52), approved by Governor Brown on September 25, 2014, establishes a new category of resources in CEQA called “tribal cultural resources” that considers tribal cultural values in addition to scientific and archaeological values when determining impacts and mitigation. Further, AB 52 establishes a consultation process between California Native American tribal governments and lead agencies applicable to any project for which a Notice of Preparation, Notice of Intent to Adopt a Mitigated Negative Declaration, or Notice of Intent to Adopt a Negative Declaration is filed on or after July 1, 2015.

Section 1 of AB 52 states the legislature’s intent as follows:

“In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of the Legislature, in enacting this act, to accomplish all of the following:

- (1) Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
- (2) Establish a new category of resources in the California Environmental Quality Act called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
- (3) Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
- (4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.
- (5) In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the California Environmental Quality Act environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decisionmaking body of the lead agency.
- (6) Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to the California Environmental Quality Act (Division 13 (commencing with § 21000) of the Public Resources Code).

4.3 Cultural Resources

(7) Ensure that local and tribal governments, public agencies, and project proponents have information available, early in the California Environmental Quality Act environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.

(8) Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.

(9) Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.”¹⁹⁹

Tribal cultural resources, as defined in Public Resources Code Section 21074, are 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 either:

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

The specific steps and timelines governing the notice and consultation process under AB 52 are as follows:

“1) The Native American Heritage Commission will provide each tribe with a list of all public agencies that may be lead agencies under CEQA within the geographic area with which the tribe is traditionally and culturally affiliated, the contact information of those public agencies, and information on how the Tribe may request consultation. This list must be provided on or before July 1, 2016 (Public Resources Code Section 5097.94(m)).

2) If a tribe wishes to be notified of projects within its traditionally and culturally affiliated area, the tribe must submit a written request to the relevant lead agency (Public Resources Code Section 21080.3.1(b)).

3) Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects as described in step 2, above. That notice must include a description of the project, its location, and must state that the tribe has 30 days to request consultation.

4) If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification described in step 3, above. The tribe’s response must designate a lead contact person. If the tribe does not designate a lead contact person, or designates multiple people, the lead agency shall defer to the individual listed on the contact list maintained by the Native American Heritage Commission.

5) The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation.

6) Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a

¹⁹⁹ AB 52 (Chapter 532, Statutes of 2014).

4.3 Cultural Resources

significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (Public Resources Code Section 21080.3.2(b)(1) & (2)). Note that consultation can also be ongoing throughout the CEQA process.”²⁰⁰

California Health and Safety Code 7050.5

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.

Public Resources Code Section 5097.98

Section 5097.98 of the California Public Resources Code stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the NAHC. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Local

City of Los Angeles

Statutory provisions for the preservation of paleontological resources and mitigation of adverse environmental impacts on paleontological resources are found in Chapter II, Section 3 of the Conservation Element of the City of Los Angeles General Plan, which states that:

- ◆ Endangered paleontological sites shall be protected by an ordinance that provides for permits, procedures, and provisions for salvage excavations of sites to be adversely affected.
- ◆ Upon application for grading, building, demolition, or other construction permits, the Cultural Heritage Commission shall be notified of any known paleontological sites. If any such sites should be discovered during the course of work performed under permits, the Cultural Heritage Commission shall be promptly notified.
- ◆ The City shall attempt to avoid disturbance of paleontological deposits. In the event this is not feasible, the City shall notify organizations such as the Natural History Museum and local universities to allow sufficient time to study the site.

²⁰⁰ State of California, Governor's Office of Planning and Research, Discussion Draft Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA, May 2015, Available: https://www.opr.ca.gov/docs/DRAFT_AB_52_Technical_Advisory.pdf, https://www.opr.ca.gov/docs/DRAFT_AB_52_Technical_Advisory.pdf.

LAX Archaeological Treatment Plan

Los Angeles World Airports (LAWA) prepared an Archaeological Treatment Plan (ATP)^{201,202} to ensure the long-term protection and proper treatment of archaeological discoveries of federal, state, and/or local significance that may be encountered during LAX Master Plan implementation. LAWA also requires compliance with the ATP for all non-LAX Master Plan development projects at LAX that involve grading and/or excavation in native and undisturbed soils. The ATP establishes requirements for monitoring during grading and/or excavation in native and undisturbed soils by a qualified archaeologist and protocols for the identification, evaluation, and recovery of archaeological resources, consistent with federal and state requirements, if such resources are discovered.

LAX Paleontological Management Treatment Plan

LAWA prepared a Paleontological Management Treatment Plan (PMTP)^{203,204} to ensure the proper treatment of paleontological resources that may be encountered during LAX Master Plan implementation. The PMTP focuses on the identification, recovery, proper treatment, and long-term protection and archival conservation of expected and unexpected paleontological discoveries of federal, state, and/or local significance that may be encountered during LAX Master Plan implementation. LAWA also requires compliance with the PMTP for all non-LAX Master Plan development projects at LAX that involve excavation in native and undisturbed soils. In the event that paleontological deposits are encountered, the PMTP is used as a guideline for the evaluation, treatment and archival conservation of such resources consistent with federal and state requirements.

City of Los Angeles Conservation Element of the General Plan

The Conservation Element makes provisions, policies and objectives for the preservation and protection of paleontological, archaeological and historical sites. Chapter II, Section 3 of the City of Los Angeles General Plan Conservation Element (adopted 2001) contains the following objective and policy applicable to the proposed project:

Objective: Protect the City's paleontological resources for historical, cultural, research, and/or educational purposes.

Policy: continue to identify and protect significant archaeological and paleontological sites and/or resources known to exist or that are identified during land development, demolition or property modification activities.

City of Los Angeles Cultural Heritage Ordinance

The City of Los Angeles enacted a Cultural Heritage Ordinance in April 1962 (Los Angeles Administrative Code, Section 22.130) that defines LAHCMs for the City. According to the ordinance, LAHCMs are sites, buildings, or structures of particular historical or cultural significance to the City of Los Angeles in which the broad cultural, political, or social history of the nation, state, or City is reflected or exemplified, including sites and buildings associated with important personages or that embody certain distinguishing architectural characteristics and are associated with a notable architect. LAHCMs are regulated by the City's Cultural Heritage Commission and the City Council.

²⁰¹ City of Los Angeles, Los Angeles World Airports, [Final LAX Master Plan: Mitigation Monitoring & Reporting Program - Archaeological Treatment Plan](#), prepared by Brian F. Smith and Associates. June 2005.

²⁰² The ATP was prepared in accordance with the LAX Master Plan Mitigation Monitoring and Reporting Program but is applicable to all projects at the airport with the potential to affect archaeological resources.

²⁰³ City of Los Angeles, Los Angeles World Airports, [Final LAX Master Plan Mitigation Monitoring & Reporting Program: Paleontological Management Treatment Plan](#), prepared by Brian F. Smith and Associates, revised December 2005.

²⁰⁴ The PMTP was prepared in accordance with the LAX Master Plan Mitigation Monitoring and Reporting Program but is applicable to all projects at the airport with the potential to affect paleontological resources.

4.3 Cultural Resources

The City of Los Angeles Cultural Heritage Ordinance establishes criteria for designating local historical resources as LAHCMS. These properties must retain integrity and convey their significance under one or more of the following criteria:

1. Historic structures or sites in which the broad cultural, economic, or social history of the nation, state, or community is reflected and exemplified; identified with important events in the main currents of national, state, or local history.
2. Identified with personages in the main currents of national, state, or local history.
3. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction or a notable work of a master builder, designer, or architect whose individual genius influenced his age.

City of Los Angeles Historic Preservation Overlay Zone

The City of Los Angeles enacted the Historic Preservation Overlay Zone (HPOZ) Ordinance in 1979, which is a planning tool that enables the designation of historic districts. An HPOZ is an area of the city that is designated as containing structures, landscaping, natural features, or sites having historic, architectural, cultural, or aesthetic significance. While most districts are primarily residential, many have a mix of single-family and multi-family housing, and some include commercial and industrial properties. Individual buildings in an HPOZ need not be of landmark quality on their own. It is the collection of a cohesive, unique, and intact collection of historic resources that qualifies a neighborhood for HPOZ status.

4.3.3.2 Existing Archaeological/Historic Setting

Paleoindian Period (ca. 13,000-11,000 Years Before Present [YBP])

Little is known of Paleoindian peoples in inland southern California, and the cultural history of this period follows that of North America in general. The earliest radiocarbon dates from the Paleoindian Period in North America come from the Arlington Springs Woman site on Santa Rosa Island. These human remains date to approximately 13,000 YBP.²⁰⁵ Lifeways during the Paleoindian Period were characterized by highly mobile hunting and gathering. Prey included megafauna such as mammoth and technology included a distinctive flaked stone toolkit that has been identified across much of North America and into Central America. They likely used some plant foods, but the Paleoindian toolkit recovered archaeologically does not include many tools that can be identified as designed specifically for plant processing.²⁰⁶

Archaic Period (ca. 11,000-3,500 YBP)

The earliest Archaic Period lifeways in inland southern California have been given the name San Dieguito tradition, after the San Diego area where it was first identified and studied.²⁰⁷ Characteristic artifacts include stemmed projectile points, crescents and leaf-shaped knives, which suggest a continued subsistence focus on large game, although not megafauna of the earlier Paleoindian period. Milling equipment appears in the archaeological record at approximately 7,500 years ago.²⁰⁸ Artifact assemblages with this equipment include basin millstones and unshaped manos, or grinding slabs used to process small, hard seeds from

²⁰⁵ Johnson, John R., Thomas W. Stafford, Jr., Henry O. Ajie, and Don P. Morris, Arlington Springs Revisited, Proceedings of the Fifth California Islands Symposium, edited by David R. Brown, Kathryn C. Mitchell and Henry W. Chaney, pp. 541–545, Santa Barbara Museum of Natural History, Santa Barbara, 2002.

²⁰⁶ PCR Services Corporation, Archaeological and Paleontological Resources Assessment for the Proposed Landside Transportation Program at Los Angeles International Airport, City of Los Angeles, California, January 23, 2015 (Appendix I of the LAX Landside Access Modernization Program Draft Environmental Impact Report, September 15, 2016, Available: <http://www.lawa.org/ourLAX/CurrentProjects.aspx?id=8807>).

²⁰⁷ Warren, Claude N, "Cultural Tradition and Ecological Adaptation on the Southern California Coast", In Archaic Prehistory in the Western United States, C. Irwin-Williams, ed, pp. 1-4, Eastern New Mexico University Contributions in Anthropology, Portales, 1968.

²⁰⁸ Moratto, Michael J., California Archaeology, Academic Press, San Diego, p. 158, 1984.

plants, projectile points, flexed burials under cairns, and clogged stones, and have been given the name La Jolla Complex (7,500–3,000 YBP). The transition from San Dieguito lifeways to La Jolla lifeways appears to have been an adaptation to drying of the climate after 8,000 YBP, which may have stimulated movements of desert peoples to the coastal regions, bringing millingstone technology with them. Groups in the coastal regions focused on mollusks, while inland groups relied on wild-seed gathering and acorn collecting.

Late Prehistoric Period (ca. 3,500 YBP-A.D. 1769)

Cultural responses to environmental changes around 4,000–3,000 YBP included a shift to more land-based gathering practices. This period was characterized by the increasing importance of acorn processing, which supplemented the resources from hunting and gathering. The period after A.D. 1400 was identified as the San Luis Rey complex.²⁰⁹ San Luis Rey I (A.D. 1400–1750) is associated with bedrock mortars and millingstones, cremations, small triangular projectile points with concave bases, and Olivella beads. The San Luis Rey II (A.D. 1750–1850) period is marked by the addition of pottery, red and black pictographs, cremation urns, steatite arrow straighteners and non-aboriginal materials.^{210,211} Work at Cole Canyon and other sites in southern California suggest that this complex, and the ethnographically described lifeways of the native people of the region, were well established by at least 1,000 YBP.²¹²

Ethnographic Setting - The Gabrielino

At the time of contact, the Native Americans subsequently known as the Gabrielino occupied lands around LAX; their territories comprised nearly the entire basin comprising the Counties of Los Angeles and Orange. They belonged to the Takic family of the Uto-Aztecan linguistic stock. Named after the Mission San Gabriel, the Gabrielino are considered to have been one of the two wealthiest and largest ethnic groups in aboriginal southern California,²¹³ the other being the Chumash in the Santa Barbara Channel region.

The Takic-speaking ancestors of the Gabrielino arrived in the Los Angeles basin around 1500 BC and spread throughout the area, displacing a preexisting Hokan-speaking population.²¹⁴ The first Spanish contact with the Gabrielino took place in 1520, when Juan Rodriguez Cabrillo arrived on Santa Catalina Island. In 1602, the Spanish returned to Santa Catalina under Sebastián Vizcaíno, and in 1769, Gaspar de Portolá made the first attempt to colonize Gabrielino territory. By 1771, the Spanish had built four missions, and the decimation of the Gabrielino had already begun.²¹⁵ European diseases and conflicts among the Gabrielino population, as well as conversion to Christianity, carried a toll in their numbers, traditions, and beliefs.

Although determining an accurate account of the population numbers is difficult, Bean and Smith²¹⁶, state that by AD 500, the Gabrielino established permanent settlements and their population continued to grow. Early Spanish accounts indicate that the Gabrielino lived in permanent villages with a population ranging from 50 to 200 individuals. The Gabrielino population surpassed 5,000 people by around 1770.

²⁰⁹ Meighan, C.W, "A Late Complex in Southern California Prehistory," *Southwestern Journal of Anthropology* 10:215–227, 1954.

²¹⁰ Meighan, C.W, "A Late Complex in Southern California Prehistory," *Southwestern Journal of Anthropology* 10:223, 1954.

²¹¹ Keller, Jean K. and Daniel F. McCarthy, *Data Recovery at the Cole Canyon Site (CA-RIV-139), Riverside, California, Pacific Coast Archaeological Society Quarterly*, 25(1):6, 1989.

²¹² Keller, Jean K. and Daniel F. McCarthy, *Data Recovery at the Cole Canyon Site (CA-RIV-139), Riverside, California, Pacific Coast Archaeological Society Quarterly*, 25(1):80, 1989.

²¹³ Bean, L.J., and C.R. Smith, "Gabrielino," *Handbook of North American Indians*, Vol. 8, ed., R.F. Heizer, Washington, DC: Smithsonian Institution, p. 538, 1978.

²¹⁴ Sutton, Mark Q., "People and Language: Defining the Takic Expansion into Southern California," *Pacific Coast Archaeological Society Quarterly*, 41(2&3): 31-93, 2009.

²¹⁵ Bean, L.J., and C.R. Smith, "Gabrielino," *Handbook of North American Indians*, Vol. 8, ed., R.F. Heizer, Washington, DC: Smithsonian Institution, pp. 540-541, 1978.

²¹⁶ Bean, L.J., and C.R. Smith, "Gabrielino," *Handbook of North American Indians*, Vol. 8, ed., R.F. Heizer, Washington, DC: Smithsonian Institution, p. 540, 1978.

4.3 Cultural Resources

The Gabrielino practiced different subsistence strategies that included hunting, fishing, and gathering. Hunting activities in land were carried out with the use of bow and arrow, deadfalls, snares, and traps. Smoke and throwing clubs also were used to assist with the hunt of burrowing animals. Aquatic animals were hunted with harpoons, spear-throwers, and clubs. Although most fishing activities took place along rivers and from shore, open water fishing trips between mainland and the islands also took place using boats made from wood planks and asphaltum. The Gabrielino fishing equipment included fishhooks made of shells, nets, basketry traps, and poison substances obtained from plants.²¹⁷

The Gabrielinos were involved in trade among themselves and with other groups. Coastal Gabrielinos exchanged steatite, shell and shell beads, dried fish, sea otter pelts, and salt with inland groups for acorns, seeds, obsidian, and deerskins.²¹⁸ During the late prehistoric period, the principal trade item, both among the Gabrielino and for export to other groups, was steatite. Also known as soapstone or soaprock, major outcroppings of steatite are found on Santa Catalina Island. Steatite was widely used among the Gabrielino to make arrow straighteners and artistic or ritualistic objects. In addition, this rock was used in the making of functional objects for food preparation such as bowls, mortars, pestles, and comals, or griddle.²¹⁹ Archaeological data indicate that a steatite "industry" developed prehistorically on the island that involved the large-scale trade of both raw materials and finished artifacts to mainland communities.²²⁰

4.3.3.3 Existing Surveys

Historical Structures

As discussed above in Section 4.3.1, evaluation of potential historical structures²²¹ within and adjacent to the proposed project site was conducted by HRG in June 2016.²²² As described in Section V.a. of the Initial Study for the proposed project (included in Appendix A of this Draft EIR), T2 was originally constructed in 1961 but was demolished and completely reconstructed in place in 1988. T2 is not eligible for listing as a historic resource and is not considered a historical resource as defined in the State CEQA Guidelines Section 15064.5. T3 was constructed in 1961 and is the only terminal on the north side of the CTA that includes one of the airport's original early-1960s oval-shaped satellite terminals. Terminal 3 has been substantially altered since 1961. Very little remains of the original T3 ticketing/baggage building with the exception of remnant ceramic tile cladding in some locations. T3 has also retained its original underground tunnel with mosaic tile murals²²³ connecting the original (1961) ticketing/baggage building to the oval shaped satellite building. The T3 satellite, built in 1961, remains largely intact but its southern façade has been altered by the addition of an aboveground concourse pier connecting the ticketing/baggage claim buildings to the satellite. Alteration of the original ticketing/baggage building and the addition of the connecting concourse in the 1980s have substantially changed the original 1961 configuration of T3 such that its original form is only partially apparent. T3 no longer retains sufficient integrity to be eligible for listing as a historic resource and is not considered a historical resource as defined in State CEQA Guidelines Section 15064.5.

²¹⁷ Bean, L.J., and C.R. Smith, "Gabrielino," *Handbook of North American Indians*, Vol. 8, ed., R.F. Heizer, Washington, DC: Smithsonian Institution, p. 546, 1978.

²¹⁸ Bean, L.J., and C.R. Smith, "Gabrielino," *Handbook of North American Indians*, Vol. 8, ed., R.F. Heizer, Washington, DC: Smithsonian Institution, p. 547, 1978.

²¹⁹ Bean, L.J., and C.R. Smith, "Gabrielino," *Handbook of North American Indians*, Vol. 8, ed., R.F. Heizer, Washington, DC: Smithsonian Institution, p. 547, 1978.

²²⁰ Bean, L.J., and C.R. Smith, "Gabrielino," *Handbook of North American Indians*, Vol. 8, ed., R.F. Heizer, Washington, DC: Smithsonian Institution, p. 547, 1978.

²²¹ Listed or eligible for listing in the National Register of Historic Places or California Register of Historical Resources; included in a local register of historic resources.

²²² Historic Resources Group, *LAX Terminals 2 and 3 Modernization Project Historic Resources Technical Report*, June 2016; included in Appendix A of this Draft EIR.

²²³ Construction and operation of the proposed project would not result in the demolition of the underground tunnel associated with the T3 concourse, including the ceramic mosaic tile mural.

Three identified historical structures that are historical resources as defined in State CEQA Guidelines Section 15064.5 are located in the vicinity of the proposed project site: 1) Theme Building (eligible for National Register, listed in California Register, and a designated City of Los Angeles HCM), located in the center of the CTA, approximately 550 feet southeast of the proposed project site, opposite World Way; 2) 1961 Air Traffic Control Tower (eligible for local listing as a City of Los Angeles HCM), located at the eastern entrance of the CTA, approximately 1,200 feet southeast of the proposed project site; and 3) Terminal 6 Sign Tower (eligible for local listing as a City of Los Angeles HCM), located approximately 1,020 feet southeast of the proposed project site. As described in Section V.a. of the Initial Study, construction and operation of the proposed project would not have the potential to cause a substantial adverse change in the significance of any of these three historical structures.

Archaeological Resources

The LAX Master Plan Final EIR identified 36 previously recorded archaeological sites within a radius of approximately two miles of LAX, including eight sites located on LAX property.²²⁴ None of the eight sites identified on LAX property are located within the boundaries of the project site or in the immediate vicinity.

Results of the records search conducted for the LAX Landside Access Modernization Program²²⁵ from the South Central Coastal Information Center (SCCIC) indicated no archaeological resources have been recorded at or within a half-mile radius of the proposed T2/3 project site. The project site is a highly disturbed area that has long been, and is currently being, used for airport uses. Any resources that may have existed on the site at one time are likely to have been displaced and, as a result, the overall sensitivity of the site with respect to buried resources is low.

Paleontological Resources

The LAX property lies in the northwestern portion of the Los Angeles Basin, a broad structural syncline with a basement of older igneous and metamorphic rocks overlain by thick younger marine and terrestrial deposits. The older deposits that underlie the LAX area are assigned to the Palos Verdes Sand formation. The Palos Verdes Sand formation is one of the better known Pleistocene age deposits in southern California. The unit was deposited in a shallow sea that covered the region some 124,000 years ago. These deposits have a high potential for yielding unique paleontological deposits. The Palos Verdes Sand formation covers half of the LAX area, beginning at Sepulveda Boulevard and extending easterly beyond the airport.²²⁶

The records search included as Appendix C to this Draft EIR, which was originally conducted for the LAX Landside Access Modernization Program²²⁷ from the Vertebrate Paleontology Department at the Natural History Museum of Los Angeles County (NHMLAC), indicated that there were no known paleontological localities within the site associated with the proposed project. However, museum records indicated that one fossil locality (LACM 3264 – baby elephant) was recorded in the vicinity of the project site, near the Tom Bradley International Terminal. These fossils were discovered at depth of approximately 25 feet below

²²⁴ City of Los Angeles, Final Environmental Impact Report for Los Angeles International Airport (LAX) Proposed Master Plan Improvements, Section 4.9.1 – Historic/Architectural and Archaeological/Cultural Resources, April 2004, Available: <http://www.lawa.org/ourLAX/PastProjects.aspx?id=8844>, Accessed January 19, 2017.

²²⁵ The study area for the archaeological and paleontological resources assessment for the LAX Landside Access Modernization Program included areas within the CTA, some of which are adjacent to the project site; refer to Figure 2 in PCR Services Corporation, Archaeological and Paleontological Resources Assessment for the Proposed Landside Transportation Program at Los Angeles International Airport, City of Los Angeles, California, January 23, 2015, which is included in Appendix C of this EIR.

²²⁶ City of Los Angeles, Final Environmental Impact Report for Los Angeles International Airport (LAX) Proposed Master Plan Improvements, Section 4.9.2 – Paleontological Resources, April 2004, Available: <http://www.lawa.org/ourLAX/PastProjects.aspx?id=8844>, Accessed January 19, 2017.

²²⁷ The study area for the archaeological and paleontological resources assessment for the LAX Landside Access Modernization Program included areas within the CTA, some of which are adjacent to the project site; refer to Figure 2 in PCR Services Corporation, Archaeological and Paleontological Resources Assessment for the Proposed Landside Transportation Program at Los Angeles International Airport, City of Los Angeles, California, January 23, 2015. Appendix C of this Draft EIR

4.3 Cultural Resources

the surface. In 2013, invertebrate (shell) fossil specimens were encountered during construction monitoring services for the LAX Central Utility Plant Replacement Project within the CTA. These resources were encountered during trench excavations for an underground vault immediately south of the Theme Building at a depth of approximately 10 to 12 feet.

Tribal Cultural Resources

Results of the updated SLF search through the NAHC did not indicate any newly inventoried Native American cultural resources within the project area. The NAHC results also noted, however, that the absence or resource information in the SLF inventory does not preclude the discovery of cultural resources within any project area.²²⁸

At the time of the publication of the Notice of Preparation for the proposed project, LAWA had not received a written request from any tribe indicating its wish to be notified of projects within its traditionally and culturally affiliated areas, as required by Public Resources Code Section 21080.3.1(b). Nevertheless, in a letter dated November 24, 2015, NAHC recommended that as AB 52 best practice, agencies should initiate consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions.²²⁹ LAWA initiated the proposed project prior to the July 1, 2016 date by which NAHC was required to provide each tribe with a list of all public agencies that may be lead agencies under CEQA within the geographic area with which the tribe is traditionally and culturally affiliated. In light of the timing of project initiation, and consistent with NAHC-suggested "best practice" procedures, letters were sent via certified mail on March 15, 2016 to the six Native American individuals and organizations identified by the NAHC in November 2015 as being affiliated with the vicinity of the project area²³⁰ to request information or concerns they may have about Native American cultural resources that may be affected by the proposed project.^{231,232} Each Native American group and/or individual listed was sent a project notification letter and map and was asked to convey any knowledge regarding prehistoric or Native American resources (archaeological sites, sacred lands, or artifacts) located within the project area or surrounding vicinity. The letter included information such as project location, a brief description of the proposed project, and results of a previous cultural resources assessment that included the CTA.²³³ A response was received on April 12, 2016 from one Native American tribe. That response did not identify any known Tribal cultural resources that may be affected by the proposed project. Per the mutual agreement of LAWA and the tribe in a telephone

²²⁸ Gayle Totton, NAHC, email to Dorothy Meyer, CDM Smith, Subject: RE: Proposed Los Angeles International Airport (LAX) Terminals 2 and 3 Modernization Project, City of Los Angeles; Venice USGS Quadrangle, Los Angeles County, California (SLF Search Results), September 14, 2016.

²²⁹ Rob Wood, NAHC, letter to Angelica Espiritu, City of Los Angeles, Los Angeles World Airports, Subject: RE: Los Angeles International Airport (LAX) Terminal 1.5 Project, City and County of Los Angeles (Consultation List and SLF Search Results), November 24, 2015.

²³⁰ Public Resources Code Section 21080.3.1(c) states "To expedite the requirements of this section, the Native American Heritage Commission shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated with the project area."

²³¹ As described in Section 4.3.3.1, per the notification steps specific in AB 52, the NAHC is required to provide each tribe with a list of all public agencies that may be lead agencies under CEQA within the geographic area with which the tribe is traditionally and culturally affiliated, the contact information of those public agencies, and information on how the Tribe may request consultation. This list must be provided on or before July 1, 2016 (Public Resources Code Section 5097.94(m)). If a tribe wishes to be notified of projects within its traditionally and culturally affiliated area, the tribe must submit a written request to the relevant lead agency (Public Resources Code Section 21080.3.1(b)). Although not required by AB 52, LAWA, in accordance with "best practice" suggested by NAHC to ensure that tribes are consulted, on March 15, 2015, LAWA sent letters of "Formal Notification of Determination of a Decision to Undertake a Project and Notification of Consultation Opportunity" for the proposed project and the adjacent LAX Terminal 1.5 Project to the Gabrielino/Tongva tribes and the Soboba Band of Mission Indians.

²³² Per an electronic mail message received from NAHC on January 14, 2016, the Native American consultation list received from NAHC for the adjacent LAX Terminal 1.5 Project on November 24, 2015, was approved for use for the proposed project.

²³³ City of Los Angeles, Los Angeles World Airports, [Final Environmental Impact Report for Los Angeles International Airport \(LAX\) Specific Plan Amendment Study](#), (SCH 1997061047), Section 4.5 – Cultural Resources, and Appendix E, Cultural Resources, January 2013.

conversation and via electronic mail, formal consultation, which was initiated to fulfill the intent of Public Resources Code Section 21080.3.1(b), concluded.

4.3.4 Thresholds of Significance

A significant impact on cultural resources would occur if the proposed project would result in:

- ◆ A substantial adverse change in the significance of a “historical resource” as defined by State CEQA Guidelines Section 15064.5(a). Substantial adverse change means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the National Register, California Register, and/or local register. Potential impacts related to a substantial adverse change in the significance of a historical structure resource as that are defined in the State CEQA Guidelines Section 15064.5(a) as historical resources were evaluated and determined to have a “Less than Significant Impact” in the Initial Study (Refer to Section V.a. of the Initial Study for the proposed project, which is included in Appendix A of this Draft EIR). Therefore, this threshold is not analyzed further in this Draft EIR.
- ◆ Causing a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5.
- ◆ Direct or indirect destruction of a unique paleontological resource or site or unique geologic feature.
- ◆ Cause a substantial adverse change in the significance of a Tribal cultural resource as 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), 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- ◆ Disturbance of any human remains, including those interred outside of formal or dedicated cemeteries.

All but the Tribal cultural resources thresholds are derived from Appendix G of the State CEQA Guidelines. The Tribal cultural resources threshold (fourth threshold) is derived from Public Resources Code Section 21074, Section 5020.1(k), and Section 5024.1.

4.3.5 Impacts Analysis

4.3.5.1 Archaeological Resources

The cultural resource records search indicated that no previously recorded archaeological resources (including historic or prehistoric archaeological resources) have been recorded at or within a half-mile radius of the project site (Appendix C of this EIR). The project area (including the project site and construction staging and parking areas) is located within a highly urbanized area and has been subject to disturbance by airport operations and development, and other on-going construction activities. Thus, surficial archaeological resources that may have existed at one time have likely been displaced by these disturbances. While discovery of archaeological resources in artificial fill deposits within the project area is unlikely, proposed excavations that would occur below the fill levels could impact intact archaeological resources that have not been disturbed or displaced by previous development. Since the proposed project would include excavations of varying depths across portions of the project site, including excavations at

4.3 Cultural Resources

depths where native soils would be encountered, the proposed project could impact previously unknown buried archaeological resources that fall within the definition of historical resources or unique archaeological resources. Thus, impacts to archaeological resources would be significant.

4.3.5.2 Paleontological Resources

The paleontological resources records search indicated that no previously recorded vertebrate fossil localities from the NHMLAC database are located within the project area (including the project site and construction staging and parking areas). However, museum records indicated that one fossil locality (LACM 3264 – baby elephant) was recorded in the vicinity of the project site, near the Tom Bradley International Terminal (Appendix C of this EIR). As mentioned previously, the project area is located within a highly urbanized area and has been subject to disturbance by airport operations and development, and other on-going construction activities that have likely displaced surficial paleontological resources. While discovery of paleontological resources in artificial fill deposits within the project area is unlikely, proposed excavations at the project site that would occur below the fill levels could impact intact paleontological resources that have not been disturbed or displaced by previous development. Since the proposed project would include excavations of varying depths across portions of the project site, including excavations at depths where native soils would be encountered, the proposed project could impact previously unknown buried unique paleontological resources. Thus, impacts to paleontological resources would be significant.

4.3.5.3 Tribal Cultural Resources

There are no Tribal cultural resources, as defined in Public Resources Code Section 21074, known to LAWA on the project site or the proposed construction staging and parking areas, or in their immediate vicinity. The project site and the proposed construction staging and parking areas are highly disturbed. In accordance with “best practice” suggested by NAHC to ensure that tribes are consulted, LAWA sent letters of “Formal Notification of Determination of a Decision to Undertake a Project and Notification of Consultation Opportunity” to California Native American tribes with a traditional or cultural affiliation with the geographic area of the proposed project, as identified by the NAHC. Although LAWA received one response to LAWA’s initial request for consultation, to date, no Native American tribes have identified any known Tribal cultural resources that may be affected by the proposed project. As noted under Section 4.3.3.2.2 above, the one response received from a Native American tribe did not identify any known Tribal cultural resources that may be affected by the proposed project. Per the mutual agreement of LAWA and the tribe in a telephone conversation and via electronic mail, formal consultation, which was initiated to fulfill the intent of Public Resources Code Section 21080.3.1(b), concluded. Based on consultation, the proposed project would not cause a substantial adverse change in the significance of a Tribal cultural resource as 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), 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 Public Resources Code Section 5024.1.

As described above, the project site and construction staging area are within a highly urbanized area that has been subject to disturbance by airport operations and development, placement of artificial fill, grading, and other on-going construction activities; there are no known Tribal cultural resources at the project site and construction staging area and vicinity, and, no Native American tribes have identified any known Tribal cultural resources that may be affected by the proposed project. Therefore, the discovery of Tribal cultural resources within the project area is unlikely. Based on the above analysis, impacts on Tribal cultural resources would be less than significant.

It should be noted that implementation of archaeological resource Mitigation Measure LAX-AR-1, Archaeological Treatment Plan²³⁴ (ATP), would also further reduce the potential for impacts on Tribal cultural resources. Under this mitigation measure, excavation of native soils would be monitored by a qualified Cultural Resource Monitor, and if any Tribal cultural resources are found during construction, the airport would ensure that work would temporarily stop in the immediate vicinity of the find(s) and a qualified archaeologist would be contacted to assess significance and determine appropriate protection or recovery procedures. Section 5.2 of LAWA's ATP includes protocols for Native American monitoring in the event of the discovery during construction of an archaeological resource or Native American remains.

4.3.5.4 Human Remains

As discussed earlier, a SLF search from the NAHC did not indicate the presence of Native American cultural resources from the NAHC archives within the project area or surrounding vicinity. Results of the cultural resource records search through the SCCIC did not indicate the presence of any known human remains within the project area. As stated above, the project area (including the project site and construction staging and parking areas) is located within a highly urbanized area and has been subject to disturbance by airport operations and development, and other on-going construction activities. Thus, surficial human remains resources that may have existed at one time have likely been displaced by these disturbances. While discovery of human remains in artificial fill deposits within the project area is unlikely, proposed excavations that would occur below the fill levels could impact intact human remains that have not been disturbed or displaced by previous development. Since the proposed project would include excavations of varying depths, including excavations at depths where native soils would be encountered, the proposed project could impact previously unknown buried human remains. However, LAWA would comply with guidance as to the treatment of any human remains that are encountered during construction excavations, including the procedures outlined in Section 7050.5(b) and (c) of the State Health and Safety Code, and Section 5097.94(k) and (i) and Section 5097.98(a) and (b) of the Public Resources Code. Therefore, through compliance with state and local regulations, impacts from disturbance of any human remains, including those interred outside of formal or dedicated cemeteries, would be less than significant.

4.3.6 Cumulative Impacts

The cumulative impacts analysis evaluates the impacts of the project on cultural resources in conjunction with past, present, and reasonably foreseeable probable future projects including both LAX and non-LAX development projects, as listed in Tables 3-1 and 3-2. The implementation of the project when combined with these other projects could result in cumulative impacts to cultural resources if the combined impacts would exceed the identified threshold of significance.

Table 3-1 identifies other projects and improvements at and adjacent to LAX, including a number of terminal improvement projects, the majority of which involve interior improvements, within the CTA. None of the terminal improvement projects would result in a direct physical impact to any known archaeological, paleontological, tribal cultural resources, or human remains in the CTA. The project area is located within a highly urbanized area and has been subject to disturbance by airport operations and development, and other on-going construction activities. Thus, surficial archaeological resources, paleontological resources, Tribal cultural resources, and human remains that may have existed at one time have likely been displaced by these disturbances. While discovery of archaeological resources, paleontological resources, Tribal cultural resources, and human remains in artificial fill deposits within the project area is unlikely, excavations associated with the proposed project and other development projects at/adjacent to LAX could occur below the fill levels could impact archaeological resources, paleontological resources, Tribal cultural resources, and human remains that have not been disturbed or displaced by previous development. Therefore, the proposed project in combination with other proposed projects at and adjacent to LAX could result in significant cumulative impacts on cultural resources that are unique archaeological resources and unique

²³⁴ City of Los Angeles, Los Angeles World Airports, Final LAX Master Plan: Mitigation Monitoring & Reporting Program - Archaeological Treatment Plan, prepared by Brian F. Smith and Associates. June 2005.

4.3 Cultural Resources

paleontological resources, and therefore the proposed project's contribution would be cumulatively considerable for each of these cultural resources categories. Given that the discovery of Tribal cultural resources is unlikely and through compliance with the ATP, cumulative impacts from an adverse change to Tribal cultural resources would be less than significant. Through compliance with guidance as to the treatment of human remains that could be encountered during construction excavations, such as the procedures outlined in Section 7050.5(b) and (c) of the State Health and Safety Code, Section 5097.94(k) and (i) and Section 5097.98(a) and (b) of the Public Resources Code, cumulative impacts from disturbance of any human remains, including those interred outside of formal or dedicated cemeteries, would be less than significant. In addition to Table 3-1, there are other projects within the general area (such as, but not limited to, those represented in Table 3-2), that, could have an impact to archaeological resources, paleontological resources, Tribal cultural resources, and human remains that have not been disturbed or displaced by previous development. Therefore, the proposed project in combination with other probable development projects could result in significant cumulative impacts on cultural resources that are unique archaeological resources and unique paleontological resources, and therefore the proposed project's contribution would be cumulatively considerable for each of these cultural resources categories.

4.3.7 Mitigation Measures

As indicated in Section 4.3.5, impacts to cultural resources would be significant. The following mitigation measures are proposed to reduce significant impacts to cultural resources.

4.3.7.1 **Archaeological Resources**

The following Standard Control Measures are proposed as mitigation measures to reduce significant impacts to archaeological resources.

◆ **LAX-AR-1. Conformance with LAWA's Archaeological Treatment Plan.**

Prior to initiation of any project-related grading or excavation activities, LAWA shall retain an on-site Cultural Resource Monitor (CRM), as defined in LAWA's Archaeological Treatment Plan (ATP),²³⁵ who will determine if the proposed project is subject to archaeological monitoring. As defined in the ATP, areas are not subject to archaeological monitoring if they contain redeposited fill or have previously been disturbed (i.e., areas where project-related excavation extends into re-deposited fill or other previously disturbed soils are considered unlikely to contain/yield notable cultural resources, and therefore do not require monitoring). LAWA shall retain an archaeologist to monitor excavation activities in native or virgin soils in accordance with the detailed monitoring procedures and other procedures outlined in the ATP regarding treatment for previously unidentified archaeological resources that are encountered during construction. Monitoring will be subject to the provisions identified below.

Monitoring Requirements. In accordance with the ATP, the CRM will compare the known depth of redeposited fill or disturbance to the depth of planned grading activities, based on a review of construction plans that provide details about the extent and depth of project-related grading and other development-related data, such as geotechnical investigations that include soils borings and delineation of subsurface strata types. Such detailed information regarding excavation plans and subsurface investigations will be completed and made available prior to the start of grading and construction. If the CRM determines, based on the detailed plans and data, that all or specific portions of the proposed project area warrant archaeological monitoring during grading activities, a qualified archaeologist (an archaeologist who satisfies the Secretary of the Interior's Professional Qualifications Standards [36 CFR 61]) shall be retained by LAWA to inspect excavation and grading activities that occur within native material. The extent and frequency of inspection shall be defined based on consultation with the archaeologist and the requirements of the ATP, which stipulates that ground-disturbing activity in areas designated as having a high potential for subsurface archaeological deposits

²³⁵ City of Los Angeles, Los Angeles World Airports, Final LAX Master Plan: Mitigation Monitoring & Reporting Program - Archaeological Treatment Plan, prepared by Brian F. Smith and Associates. June 2005.

will be monitored full time, and such activities in areas designated as potentially containing redeposited fill or having been disturbed will be monitored periodically or suspended entirely as determined by the consulting archaeologist and LAWA. Following initial inspection of excavation materials, the archaeologist may adjust inspection protocols as work proceeds.

Identification, Evaluation, and Recovery. In accordance with State CEQA Guidelines Section 15126.4(b)(1), should archaeological resources that are either historical resources or unique archaeological resources be discovered, preservation in place is the preferred manner for mitigating impacts to archaeological sites. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Identification, evaluation, and recovery of cultural resources shall be conducted in accordance with the methods established in the ATP including, but not limited to, methods pertaining to surface recordation, shovel test excavations, test unit excavations, laboratory analysis, reporting, and curation. If potentially significant resources are identified, the monitoring archaeologist shall be empowered to halt construction activities within 25 to 50 feet of the identified resource. If Native American cultural resources are encountered, LAWA shall comply with guidance established in the ATP for retaining a Native American monitor including, but not limited to, notification of the NAHC and, based on the recommendations from NAHC, retention of a Native American monitor from a list of suitable candidates supplied by NAHC. If human remains are found, LAWA shall comply with the State Health and Safety Code 7050.5 regarding the appropriate treatment of those remains as outlined in the ATP, which requires notification of the Los Angeles County Coroner's Office, notification of the NAHC and the Most Likely Native American Descendent if the remains are those of a Native American, immediately halting field work or grading in any area reasonably suspected to overlie adjacent human remains, cordoning off the site, and proper treatment and burial.

Reporting and Curation. Reporting shall be completed in conformance with the guidelines set forth by the Office of Historic Preservation for Archaeological Research Management Reports and requirements established in the ATP pertaining to the contents of the Archaeological/Cultural Monitor Report. Proper curation and archiving of artifacts shall be conducted in accordance with industry and federal standards and as outlined in the ATP.

◆ **LAX-AR-2. Archaeological Resources Construction Personnel Briefing.**

Prior to initiation of grading activities, LAWA will require the consulting archaeologist to provide construction personnel with a briefing in the identification of archaeological resources and in the correct procedures for notifying the relevant individuals should such a discovery occur.

4.3.7.2 Paleontological Resources

The following Standard Control Measures are proposed as mitigation measures to reduce significant impacts to paleontological resources.

4.3 Cultural Resources

◆ LAX-PR-1. Conformance with LAWA's Paleontological Management Treatment Plan (PMTP).

Prior to initiation of grading activities, LAWA will retain a professional paleontologist, as defined in LAWA's PMTP, who will determine if the proposed site exhibits a high or low potential for subsurface resources. As defined in the PMTP, areas are not subject to paleontological monitoring if they contain re-deposited fill or have previously been disturbed (i.e., areas where project-related excavation extends into re-deposited fill or other previously disturbed soils are considered unlikely to contain/yield notable paleontological resources, and therefore do not warrant monitoring). If the project site is determined to exhibit a high potential for paleontological resources, paleontological monitoring will be conducted by a professional paleontologist. If the project site is determined to exhibit a low potential for subsurface deposits, excavation need not be monitored as per the PMTP.

Monitoring Requirements. In accordance with the PMTP, LAWA will supply the paleontological monitor (PM) with a construction schedule and any construction, grading, excavation and/or shoring plans prior to the initiation of ground-disturbing activities. LAWA will also provide the PM access to geotechnical studies completed for the project that contain information indicating subsurface strata types, which can help delineate the areal extent and depth of previously disturbed areas as distinguished from undisturbed areas. Emphasis in identifying construction areas that warrant monitoring will be placed on the specific portions of the project area identified as exhibiting a high potential for subsurface resources, based on the location of known paleontological localities and/or resources and the identification of areas in which no known disturbances have occurred. The identification of areas to be monitored will be made by the on-site PM or PM designee in consultation with the appropriate LAWA representative, construction supervisor, and/or geologist, and in accordance with the requirements of the PMTP. Areas of low potential for subsurface paleontological deposits, as documented by technical sources to be underlain by fill materials, or areas that exhibit a high degree of previous disturbance, based on soil testing will not be monitored. If excavation activities are scheduled to go below the documented level of fill materials, paleontological monitoring will be initiated when formational sediments are expected to be reached by earthmoving activities.

Identification, Evaluation, and Recovery. The PM or PM designee will identify, evaluate, and recover paleontological resources in accordance with the relevant provisions of the PMTP including, but not limited to, monitoring parameters and specifications, safety issues, paleontological resource collection, fossil preparation and curation procedures, fossil donation protocols, and reporting.

◆ LAX-PR-2. Paleontological Resources Construction Personnel Briefing.

Prior to initiation of grading activities, the PM or PM designee will brief construction personnel in the identification of fossils or fossiliferous deposits and in the correct procedures for notifying the relevant individuals should such a discovery occur.

4.3.8 Level of Significance After Mitigation

4.3.8.1 Archaeological Resources

With implementation of Standard Control Measures (Mitigation Measures) LAX-AR-1 and LAX-AR-2, potentially significant impacts to archaeological resources that are historical resources or unique archaeological resources would be reduced to a level that is less than significant and the proposed project's contribution to potentially significant cumulative impacts on archaeological resources would not be cumulatively considerable. Standard Control Measures (Mitigation Measures) LAX-AR-1 and LAX-AR-2 require conformance with LAWA's ATP, which contains detailed monitoring procedures and other protocols regarding the treatment of previously unidentified archaeological resources that may be encountered during construction, and briefing by a qualified archaeologist to construction personnel in the identification of archaeological resources and in the correct procedures for notifying the relevant individuals should such a discovery occur. Standard Control Measures (Mitigation Measures) LAX-AR-1 and LAX-AR-2 would ensure that the proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5.

4.3.8.2 Paleontological Resources

With implementation of Standard Control Measures (Mitigation Measures) LAX-PR-1 and LAX-PR-2, potentially significant impacts to paleontological resources would be reduced to a level that is less than significant and the proposed project's contribution to potentially significant cumulative impacts on paleontological resources would not be cumulatively considerable. Standard Control Measures (Mitigation Measures) LAX-PR-1 and LAX-PR-2 require conformance with LAWA's PMTP, which contains detailed monitoring procedures and other protocols regarding the treatment of previously unidentified paleontological resources that may be encountered during construction, and briefing by a qualified paleontologist/designee to construction personnel in the identification of paleontological resources and in the correct procedures for notifying the relevant individuals should such a discovery occur. Standard Control Measures (Mitigation Measures) LAX-PR-1 and LAX-PR-2 would ensure that the proposed project would not cause the direct or indirect destruction of a unique paleontological resource or site or unique geologic feature.

4.3 Cultural Resources

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