

## **APPENDIX E**

### **Cultural Resources**

*Project implementation will result in no ground disturbing activity or impacts to equipment and structures over 50 years of age at the Carson, East Hynes, Hathaway, Colton, or Vinvale Terminals. Therefore, no impact to prehistoric or historic cultural resources is anticipated or addressed in this section for these five terminals.*

*Minor ground disturbance will occur at the Marine Terminal 2 site, but it will be limited to a fill area in the Long Beach Harbor (Garrett personal communication). There will be no impacts to equipment or structures over 50 years old at the Marine Terminal 2 site. Therefore, no impact to prehistoric or historic cultural resources is anticipated or addressed in this section for the Marine Terminal 2 site.*

*The potential for significant cultural resource impacts to occur within the ARCO Los Angeles Refinery (LAR) is addressed in this section.*

#### **Setting**

##### **a. Regional Setting**

Prehistory. The project site lies within the historic territory of the Native American group known as the Gabrielino or Tongva, one of the wealthiest, most populous, and most powerful ethnic nationalities in aboriginal southern California (Bean and Smith 1978). The native word Tongva has been used to designate what were previously call Gabrielino speakers and is a preferred designation by many people native to the area (King 1994). The Tongva/Gabrielino followed a sophisticated hunter-gatherer lifestyle, and were a deeply spiritual people (McCawley 1996). Their historic territory included the Los Angeles Basin (which includes the watersheds of the Los Angeles, San Gabriel, and Santa Ana Rivers), the coast from Aliso Creek in the south to Topanga Creek in the north, and the four southern Channel Islands. The Tongva/Gabrielino's ancestors were Shoshonean speakers, who migrated into the Los Angeles area around 500 B.C. from the Great Basin, slowly displacing the indigenous Hokan speakers. By 500 A.D. distinct dialects were forming among the Tongva/Gabrielino. For in depth information on the Tongva/Gabrielino, the reader is referred to McCawley's (1996) *The First Angelinos, The Gabrielino Indians of Los Angeles*.

Prior to the arrival of the Tongva/Gabrielino's Shoshonean speaking ancestors into southern California, the archaeological record indicates that sedentary populations occupied the coastal regions of California more than 9,000 years ago (Erlandson and Colten 1991). Several chronological frameworks have been developed for the Tongva/Gabrielino region including Wallace (1955) and Warren (1968), and the reader is referred to Padon (1992) for an excellent synopsis of these two theories.

The Tongva/Gabrielino aboriginal way of life ended with Spanish colonization. As neophytes brought into the mission system they were transformed from hunters and gatherers into agricultural laborers and exposed to diseases to which they had no resistance. By the end of the Mission Period in 1834, the Tongva/Gabrielino population had been decimated by disease and declining birthrates. Population loss as a result of disease and economic deprivation continued into the next century. Still today many people proudly claim Tongva/Gabrielino ancestry and take an active interest in promoting their culture and protecting archaeological evidence of their ancestors.

History. The Los Angeles Refinery falls within the historic territory of *Rancho San Pedro*, a 75,000 acre Spanish Land Grant deeded to Juan Jose Dominguez for services rendered to the crown (Bonner, W. 1999). Jose Dominguez's nephew, Manuel Dominguez, eventually inherited the Rancho, which he later passed on to his six daughters. It was Dominguez's second daughter's son, Patrick Watson, who sold the current ARCO LAR property to the Pan American Refinery Company in 1923. The land was later sold to Richfield Oil, now ARCO (Bonner, W. 1999).

#### **b. Site Specific Setting**

An archival record search for the ARCO LAR refinery was conducted at the South Central Coastal Information Center in October 1998 by W.H. Bonner Associates. This information was updated with (1999) archaeological site record information provided by Solstice Archaeological Consulting and supplemented by technical papers on CA-LAN-2682 in preparing this section.

There is one archaeological site, CA-LAN-2682, within LAR's boundaries and one archaeological site, CA-LAN-98, immediately adjacent to the refinery, which may extend into the property. A description of both of these sites is provided below:

**CA-LAN-2682** (the ARCO site) is a 15 by 15 meter (50 by 50 ft.) Native American Indian burial site that was exposed during subsurface excavation for replacement of existing underground utility lines in 1998. Despite manmade and natural disturbances, two distinct burial levels were identified (Bonner, W. 1999). The upper component extended from 30 to 110 centimeters (cm) in depth from the ground surface. The remains of at least 20 individuals were recovered from the upper component. The lower component extended at a depth ranging from 139 to 195 cm. Remains representing at minimum six adults and one child were recovered in the lower levels. In addition to the human remains described above

which were excavated *in situ* (intact), over 32,000 human bone fragments were recovered from the approximate 300 cubic meters of soil excavated from the CA-LAN-2682 site area prior to work being halted. These fragments at minimum represent another 27 individuals from the upper component (Bonner, W. 1999). The boundaries of CA-LAN-2682 have not been determined and it is possible other burials occur in the area.

Site CA-LAN-2682 is located approximately -----<sup>1</sup> of where the new butane loading racks and retention pond will be located. No impacts to this site are anticipated from project implementation.

The reburial location of the human remains recovered from CA-LAN-2682 is over -----<sup>1</sup> of the new butane loading racks and retention pond area, and will not be impacted by project implementation (Vino personal communication).

**CA-LAN-98** is the village site of *Suangna*, which may have been occupied as late as 1813 (McCawley 1996). Located near the intersection of Wilmington Avenue and Sepulveda Boulevard in Carson it was first excavated by Racer in 1910 and later by Eberhart in 1967 and Dominquez College in 1970. Racer describes the site as covering an area of 183 by 244 meters (610 by 813 ft.). Los Angeles Historical Marker No. 13 commemorates the village site location.

Site CA-LAN-98 is located approximately -----<sup>1</sup> of where the new butane loading racks and retention pond will be located. No impacts to this site are anticipated from project implementation.

Past archaeological investigations on the LAR site include an archaeological survey conducted by LSA Associates, Inc. for the Clean Fuels project in 1992. The survey focused on an approximate 10-acre area where evidence of CA-LAN-98 would be expected to occur within the refinery (Padon 1992). No evidence of CA-LAN-98 was observed and Padon (1992) noted “The past grading and dike building around the tanks and the construction of the reservoir has greatly changed the topography of the area and disturbed the native soils. “ Due to the negative findings of the survey, and to the extent of previous ground disturbance throughout the LAR and the low potential for extant archaeological material to occur on the surface, Padon (1992) recommended no further archaeological work within the LAR, but did recommend monitoring in the vicinity of CA-LAN-98.

In September 1998, CA-LAN-2682 was exposed during construction. An archaeological excavation was undertaken to remove the remaining human remains, while previously mechanically excavated soils were screened to retrieve human remains and artifacts. W.H. Bonner Associates and Solstice Archaeological Consulting staff wrote technical papers on different aspects of the burial site which were presented at the Society of California Archaeologists Annual Conference in 1999. Although the construction of new butane loading racks and a retaining pond will not impact CA-LAN-2682, Diane Bonner's paper on the geoarchaeology at the ARCO burial site is relevant to the analysis of potential cultural resource impacts from the current project. Ms. Bonner (1999) documents the extent of past ground disturbance within the LAR from both refinery construction activities and past flood events. She suggests there is a potential for other buried cultural resource deposits to occur along the banks of the ancient Los Angeles river bed even within developed/disturbed areas.

The Gabrielino/Tongva Tribal Council has stated that the LAR has a special archaeological significance to the tribe (Dunlap 2000). In a letter dated June 16, 2000, Tribal Spokesperson Samuel Dunlap notes "...Since the discovery of human remains and prehistoric artifacts in September of 1998 on the ARCO property, it is apparent that the potential for uncovering additional Indian burials and cultural material is significant enough to warrant archaeological and Native American monitoring during any future construction activities."

### **c. Regulatory Setting**

#### *California Environmental Quality Act (CEQA)*

The State of California has formulated laws for the protection and preservation of archaeological resources. Generally, a cultural resource shall be considered to be "historically significant" if the resource meets the criteria for listing on the California Register of Historic Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:

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.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an 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 an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

If the project may cause damage to a significant cultural resource, the project may have a significant effect on the environment. Section 15064.5 of CEQA pertains to the determination of the significance of impacts to archaeological and historic resources. CEQA provides guidelines for administering to archaeological resources that may be adversely affected by project development in Section 15126.4. Achieving CEQA compliance with regard to treatment of impacts to significant cultural resources requires that a mitigation plan be developed for the resource(s). Preservation in place is the preferred manner of mitigating impacts to archaeological resources.

#### *California Register of Historical Resources*

Drafted in 1995, this document provides proposed guidelines for the nomination of properties to the California Register. The California Register is an authoritative guide to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for listing resources on the California Register are based on those developed by the National Park Service for listing on the National Register of Historic Places with modifications in order to include a broader range of resources which better reflect the history of California.

#### *California Public Resources Code*

Section 5097.9 of the California Public Resources Code stipulates that it is contrary to the free expression and exercise of Native American religion to interfere with or cause

severe irreparable damage to any Native American cemetery, place of worship, religious or ceremonial site, or sacred shrine.

#### *State Health and Safety Code*

If human remains are exposed during construction, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will serve as a consultant on how to proceed with the remains.

### **Impact Analysis**

#### **a. Methodology and Significance Thresholds**

Only state and federal regulations provide criteria for evaluating the importance of cultural resources. No local or county criteria exist beyond what is stated by state and federal regulations. CEQA requires that cultural resources be determined "important" or "not important".

If the lead agency determines that a project may affect an archaeological resource, the agency shall determine whether the effect may be a significant effect on the environment. If the project may cause damage to an important archaeological resource, the project may have a significant effect on the environment. For sites found to be important, mitigation of potential impacts is required.

#### **b. Project Impacts.**

##### Archaeological Resources

The LAR is located in an area of high archaeological sensitivity. The Tongva/Gabrielino village site known as *Suangna* is located near the south/western corner of the refinery, and CA-LAN-2682, a large cemetery, was recently exposed near the eastern edge of the property. Earth disturbance associated with the construction of new butane loading racks and a retaining pond will not impact either of these sites. However, there is a potential that additional buried archaeological deposits may exist within the terminal, which could be impacted by ground disturbance associated with the construction of the new butane

loading racks and the excavation of a retaining pond. Any such impact would be considered significant, but mitigable.

### Historic Resources

No buildings, structures, or equipment 50 years or older will be modified as part of the Methyl Tertiary Butyl Ether (MTBE) Phase Out Project. Therefore, no significant impacts to historic cultural resources are expected to occur as a result of project implementation.

### **Mitigation Measures**

The following measures (MM1-4) shall be implemented by ARCO to alleviate potential impacts to cultural resources to a less than significant level:

**MM-1:** The lead archaeologist will provide a cultural resources orientation to all construction workers associated with excavation activities. The orientation will include a description of what kind of cultural resources might be encountered during construction and what steps are to be taken if such a find is unearthed.

**MM-2:** All earth disturbances within ARCO's LAR shall be monitored by a professional archaeologist and a representative of the Gabrielino/Tongva Tribal Council.

**MM-3:** In the event that cultural deposits are exposed during project construction, the archaeological monitor shall have the authority to temporarily halt or redirect all earth disturbing work within the vicinity of the find. The find shall be evaluated and mitigated as warranted. After the find has been appropriately mitigated work in the area may resume.

**MM-4:** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains.

### **Conclusion**

Implementation of the above measures is anticipated to reduce potential project specific impacts to a less than significant level.

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