



## Kizh Gabrieleno Band of Mission Indians

### **Re: Cultural Resources Mitigation Measures, regarding Tribal Cultural Resources and Human Remains and associated funerary objects within Kizh Gabrieleno Tribal Territory.**

***Note:** The Gabrieleno Band of Mission Indians Kizh -Nation ONLY replies to projects within their ANCESTRAL territory, because it's the highest degree of relationship to the land, even over culturally or traditionally affiliated, and our Oral History and documented information pertain to our Tribe's village areas, commerce areas, recreation areas, and burial locations within our tribe's ancestral territory. Therefore, in order to protect these irreplaceable Tribal Cultural Resources within our ancestral tribal territory, Native American Monitors shall be from the Gabrieleno Band of Mission Indians Kizh -Nation.*

**Retain a Native American Monitor:** The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleno Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The monitor(s) must be approved by the Tribal Representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) will complete monitoring logs on a daily basis. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archeological resources.

*\*\*Hazwoper is needed only if the site has hazardous concerns.*

**Unanticipated Discovery of Tribal Cultural Resources:** All archaeological resources unearthed by project construction activities shall be evaluated by the Qualified Archaeologist and Native Monitor. If the resources are Native American in origin, the Tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If a resource is determined by the Qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or has a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with



subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

***Unanticipated Discovery of Human remains and associated funerary objects:*** Human remains are defined as any physical remains of a human being. The term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of associated cultural resources (Funerary objects) with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. NAGPRA guidance specifically states that the federal agencies will consult with organizations on whose aboriginal lands the remains and cultural items might be discovered, who are reasonably known to have a cultural relationship to the human remains and other cultural items. Therefore, for this project site, it is appropriate to consult with the Gabrieleno Band of Mission Indians – Kizh Nation as recommended by the NAHC.

Prior to the start of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. Any discoveries of human skeletal material shall be immediately reported to the County Coroner. The monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor will then notify the Qualified Archaeologist and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24 hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the Qualified Archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes 4 or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project applicant shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities are to be submitted to the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.



If the coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the coroner. Reburial will be in an appropriate setting. If the coroner determines the remains to be modern, the coroner will take custody of the remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

***Professional Standards:*** Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Tribal Cultural Resources in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.