Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364 SACRAMENTO, CA 95814 (916) 653-6251 Fax (916) 657-5390 Web Site www.nahc.ca.gov ds nahc@pacbell.net



August 16, 2012

Mr. David Sinclair, Project Planner

City of Pasadena

175 N. Garfield Avenue Pasadena, CA 91101

Re: SCH#2012031053; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Temporary Increase in Rose Bowl Displacement Events Project;" located in the City of Pasadena; Los Angeles County, California.

Dear Mr. Sinclair:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3 et seq. This project is also subject to California Government Code Section 65352.3 et seq.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including …objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

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Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interiors Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

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If you have any questions about this response to your request, please do not hesitate to contact me at/(916) 653-6251.

Singerely,

Dave Singleton Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts

Los Angeles County August 16, 2012

LA City/County Native American Indian Comm Ron Andrade, Director 3175 West 6th St, Rm. 403 Los Angeles , CA 90020 randrade@css.lacounty.gov (213) 351-5324 (213) 386-3995 FAX

Gabrielino Tongva Nation Sam Dunlap, Chairperson P.O. Box 86908 Los Angeles , CA 90086 samdunlap@earthlink.net

(909) 262-9351 - cell

Gabrielino Tongva

Ti'At Society/Inter-Tribal Council of Pimu Cindi M. Alvitre, Chairwoman-Manisar 3094 Mace Avenue, Apt. B Costa Mesa. CA 92626 calvitre@yahoo.com (714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council Robert F. Dorame. Tribal Chair/Cultural Resources P.O. Box 490 Gabrielino Tongva , CA 90707 Bellflower gtongva@verizon.net 562-761-6417 - voice 562-761-6417- fax

Tongva Ancestral Territorial Tribal Nation John Tommy Rosas, Tribal Admin.

Private Address

Gabrielino Tongva

Gabrielino Tongva

tattnlaw@gmail.com 310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission Anthony Morales, Chairperson

San Gabriel , CA 91778 GTTribalcouncil@aol.com

(626) 286-1632

PO Box 693

(626) 286-1758 - Home (626) 286-1262 -FAX

Gabrielino-Tongva Tribe Bernie Acuna 1875 Century Pk East #1500 Gabrielino Los Angeles, CA 90067 (619) 294-6660-work (310) 428-5690 - cell (310) 587-0170 - FAX bacuna1@gabrieinotribe.org

Gabrielino-Tongva Tribe Linda Candelaria, Chairwoman 1875 Century Pk East #1500 Gabrielino Los Angeles , CA 90067 Icandelaria1@gabrielinoTribe.org 626-676-1184- cell (310) 587-0170 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012031053; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Temporary Increase in Rose Bowl Displacement Events Project; located in the City of Pasadena; Los Angeles County, California.

Native American Contacts

Los Angeles County August 16, 2012

Gabrieleno Band of Mission Indians Andrew Salas, Chairperson P.O. Box 393 Gabrielino Covina , CA 91723 (626) 926-4131 gabrielenoindians@yahoo. com

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Letter No. 1: Native American Heritage Commission

State of California Native American Heritage Commission 915 Capitol Map, Room 364 Sacramento, CA 95814 Mr. Dave Singleton, Program Analyst August 16, 2012

Response 1-1

Based on correspondence received from the California Native American Heritage Commission and included in **Appendix F3.0** of the Final EIR, a Sacred Lands File Search is not necessary for the proposed project.