



County of Los Angeles CHIEF EXECUTIVE OFFICE

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October 26, 2011

Dear Interested Parties:

PLAZA DE CULTURA Y ARTES PROJECT HISTORIC CEMETERY STATUS

The County of Los Angeles (County) is providing this status update regarding the human remains and associated artifacts excavated from the historic cemetery area of the Plaza de Cultura y Artes (Plaza Project) property.

The County is completing a plan for resolving adverse effects to the historic cemetery area, pursuant to Section 106 of the National Historic Preservation Act (NHPA) for post-review discoveries and the Native American Graves Protection and Repatriation Act (NAGPRA). The respectful re-interment of the excavated remains and associated artifacts is a key aspect of the proposed plan. This plan draws from the items of consensus that have emerged from the consultation efforts among the National Park Service Historic Preservation Grants Division, California Office of Historic Preservation, County Chief Executive Office, the LA Plaza de Cultura y Artes Foundation (Foundation), Native Americans, and numerous interested parties, including the Catholic Archdiocese of Los Angeles, and Los Pobladores. That consultation process has included public meetings in May and June of 2011, individual consultation meetings in June of 2011, and ongoing mail, email, and telephone correspondence. The Native American groups who participated in individual consultation meetings included the Soboba Band of Missions Indians, the Gabrielino-Tongva Tribe; the Gabrielino/Tongva San Gabriel Band of Mission Indians; and the Juaneño Band of Mission Indians, Acjachemen Nation.

At the present time, the human remains and related artifacts are securely located at the County of Los Angeles Museum of Natural History (Museum) in a climate-controlled area, which is not accessible to the public or Museum staff except as authorized by this office. There are no plans to move the excavated human remains from their secure location at the Museum or the excavated artifacts until such date as the plans for their respectful re-interment process are completed. On July 29, 2011, the County provided an opportunity for stakeholders to view the interim storage area at the Museum; this visit was attended by representatives from the Gabrielino-Tongva Tribe.

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Points of Agreement

The following section describes the points of consensus, in priority order, that have emerged from the consultation efforts through public meetings, correspondence with interested parties, and formal consultation meetings. The work, consultation, and documentation efforts described below are also intended to satisfy mitigation measures specified in the Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA), and for compliance with the National Environmental Policy Act (NEPA). In addition, pursuant to discussions with the National Park Service (NPS), the County will comply with the notice procedures in NAGPRA as a prerequisite before the respectful re-burial process can occur.

- a) Re-interment: Respectful re-interment of the human remains and associated materials at their site of origin in the historic cemetery next to the Plaza Church. The County and Foundation propose that the following steps be taken:
 - i) Qualified archaeologists will transport the human remains and associated materials from the Museum to an assembly area. The archaeologists will assemble materials from each burial feature, including human remains and artifacts, into individual lots. Efforts will be made to ensure that each individual is paired with his/her associated artifacts, without comingling. This assembly will be undertaken in the presence of Native American monitors. The archaeologists will then place each lot into an unbleached cotton bag with no other packaging, close the bag, place each bag into a simple and appropriately sized wooden box (i.e., burial container), and seal the box. Depending on availability, the wooden box would likely be constructed of pine or a similar wood and range in volume from one to several cubic feet.
 - ii) Qualified archaeologists will place the burial containers within the previously excavated areas of the historic cemetery, arranging them in a pattern that, as closely as possible, matches that observed during the excavations of 2010/2011. No excavation of previously undisturbed soil will take place. The placement of burial containers on-site will take place in the presence of Native American monitors.
 - iii) The burial containers will be re-buried using the soil that was excavated from the historic cemetery. Additional clean soil or other stable, permeable materials may be added atop the re-buried burial containers to provide added protection, compensate for natural compaction, and facilitate surface water runoff. No mechanical compaction will take place. The re-burial process will take place in the presence of Native American monitors.

- iv) Following the replacement of the soil, a permeable topping will be installed with a slight slope to address water runoff.
- v) Following the re-interment process, interested parties, including Native Americans and representatives of the Catholic Archdiocese of Los Angeles, will have an opportunity to conduct appropriate ceremonies.
- b) Historic Cemetery Boundary Delineation and Report. A study will be conducted and a summary report will be prepared to delineate the boundary of the historic cemetery on the small northern most section of the Plaza Project property currently surrounded by a temporary fence and adjacent to the Plaza Church. Native American monitors will be present for any related on-site investigative activities.
- c) Cemetery Memorial Marker. A permanent and respectful memorial will be designed through consultation for placement at the site of the historic cemetery. Details to be established through future consultation efforts.
- d) Historic Property Management Plan. Following re-interment, a plan will be drafted with the intent of insuring long-term protection of the historic cemetery area of the site. This overarching document will summarize the non-sensitive/non-confidential portions of the archaeological summary report and include the re-burial plan and historic cemetery boundary delineation report as appendices. Details to be established through future consultation efforts.
- e) Archaeology Summary Report. An archaeological summary report is being prepared that documents the methods and results pertaining to the excavation of the historic cemetery on the small northern most section of the Plaza Project property currently surrounded by a temporary fence and adjacent to the Plaza Church. While maintaining appropriate confidentiality pertaining to sensitive archaeological materials, this report will be made available to interested parties.
- f) Memorandum of Agreement. A Memorandum of Agreement will be prepared and executed among the National Park Service Historic Preservation Grants Division, California Office of Historic Preservation, the County, the Foundation, and other invited parties regarding the resolution of adverse effects to the historic cemetery.

As noted above and in the County's September 21, 2011 update regarding the proposed re-interment process, the NPS has advised that the County must comply with the notice requirements of NAGPRA before the respectful re-burial can take place.

To allow the re-interment to occur as soon as possible, the County continues to work towards identifying a Federally-recognized tribe that will consent to the re-burial of the remains and artifacts at the Plaza Project property. Simultaneously, the County has begun the process to obtain the U.S. Secretary of Interior's consent to the proposed re-burial, although it is a longer process. In support of that request, the County and Foundation plan to appear at the next scheduled meeting on November 9, 2011 before the NAGPRA Review Committee in Reno, Nevada. It is the County's understanding that the timeline for the U.S. Secretary of Interior's approval will delay the re-burial process until Spring of 2012, at the earliest. Following the November 9 meeting, the Committee is not scheduled to meet again until May of 2012, so it is important to retain this alternative way to move forward. The County will provide more specific dates and information as soon as that becomes available.

On behalf of the County, we thank you for your participation in the ongoing process regarding the historic cemetery area. If you have any further comments or questions regarding the above, or would like to provide written comments regarding the proposed re-burial process, please contact Dawn McDivitt, of this office, at (213) 974-2620.

Sincerely,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:RLR
DJT:DKM:cvb

- c: Mayor, Michael D. Antonovich, Fifth Supervisorial District
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