

DEPARTMENT OF THE INTERIOR

[2253-665]

National Park Service

Notice of Inventory Completion: County of Los Angeles, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Based on the information available to the County of Los Angeles (County), and assertions made by and in consultation with a Federally-recognized Indian tribe, non-Federally recognized Indian groups and interested parties, certain remains of deceased humans and other artifacts inadvertently discovered and excavated at the LA Plaza de Cultura y Artes property may constitute human remains and associated funerary objects as defined and regulated by the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003. The ancestry of individual remains has not been conclusively determined; however, in the interest of full disclosure and compliance with NAGPRA, the County has completed an inventory of the human remains and associated funerary objects. Detailed analysis of individual remains was not conducted based on the consensus of the all consulting parties, thus there is no cultural affiliation for each individual between the human remains and associated funerary objects and any single present-day Federally-recognized Indian tribe. Representatives of any federally-recognized Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the County of Los Angeles. Disposition of the human remains and associated funerary objects to the Indian tribe for re-internment by the County at the LA Plaza de Cultura y Artes property as stated below may occur if no additional requestors come forward.

DATES: Representatives of any Federally-recognized Indian tribe that believes it has a cultural

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affiliation with the human remains should contact the County of Los Angeles at the address below by *[insert date 30 days after publication in the Federal Register]*.

ADDRESSES: County of Los Angeles, Office of the Chief Executive, Dawn McDivitt, 500 West Temple St., Room 754, Los Angeles, CA 90012, telephone (213) 974-2620.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects that are in the possession of the County of Los Angeles, Los Angeles, CA. The human remains and associated funerary objects were removed from the LA Plaza de Cultura y Artes property, Los Angeles County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the County of Los Angeles, which has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment, but not analysis, of the human remains was made by the County of Los Angeles professional staff in consultation (through written communication and public meetings) with representatives of the Soboba Band of Luiseño Indians, California, a Federally-recognized Indian tribe, as well as with the following non-Federally recognized Indian groups: Gabrielino-Tongva Tribe, Gabrielino/Tongva San Gabriel Band of Mission Indians, and the Juaneño Band of Mission Indians, Acjachemen Nation. In addition, other interested parties, specifically the LA Plaza de Cultura y Artes Foundation and the Catholic Archdiocese of Los Angeles, were also part of the consultations. Information relating to the inadvertent discovery

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and excavation of the human remains and requests for consultation were also sent to the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Augustine Band of Cahuilla Indians, California; Barona Group of the Capitan Grande Band of Mission Indians of the Barona Reservation, California; Cabazon Band of Mission Indians, California; Cahuilla Band of Mission Indians of the Cahuilla Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Chemehuevi Indian Tribe of the Chemehuevi Reservation, California; Ewiiapaayp Band of Kumeyaay Indians, California; Fort Mojave Indian Tribe of Arizona, California & Nevada; Iipay Nation of Santa Ysabel, California; Inaja Band of Diegueno Mission Indians of the Inja and Cosmit Reservation, California; Jamul Indian Village of California; La Jolla Band of Luiseno Indians, California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Los Coyotes Band of Cahuilla and Cupeno Indians, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; Morongo Band of Mission Indians, California; Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseño Mission Indians of the Pechanga Reservation, California; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Ramona Band of Cahuilla, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; San Luis Rey Band of Mission Indians; San Manuel Band of Mission Indians, California; San Pasqual Band of Diegueño Mission Indians of California; Santa Rosa Band of Cahuilla Indians, California; Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; Sycuan Band of the Kumeyaay Nation; Torres-Martinez Desert Cahuilla Indians, California; Twenty-Nine

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Palms Band of Mission Indians of California; and Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California; as well as the following non-Federally recognized Indian groups: Fernandeno Tataviam Band of Mission Indians; Gabrieleno Band of Mission Indians; Gabrielino Tongva Indians of California; Gabrielino Tongva Nation; Kumeyaay Diegueño Land Conservancy; Kumeyaay Cultural Heritage Preservation; Kumeyaay Cultural Historic Committee; Kumeyaay Cultural Repatriation Committee; Kwaaymii Laguna Band of Mission Indians; and Tongva Ancestral Territory Tribal Nation.

The Federally-recognized Indian tribe, Soboba Band of Luiseño Indians, California, and all non-Federally recognized Indian groups and other interested parties that have actively communicated with the County, have expressed a strong preference for having the remains reburied where they were discovered at the LA Plaza de Cultura y Artes property. The County has agreed to reburial of all human remains and associated funerary objects at the site of removal.

History and description of the remains

Between October 2010 through January 2011, human remains representing a minimum of 103 individuals were excavated and removed from the area of a historic cemetery formerly located in a portion of the LA Plaza de Cultura y Artes Project (Project) site, in downtown Los Angeles, Los Angeles County, CA, prior to planned construction of a museum and cultural center by the LA Plaza de Cultura y Artes Foundation (Foundation) on property owned by the County. To date, no additional human remains have been identified in any areas of the Project site outside of what is believed to be the historic cemetery boundary, as defined by historic maps and records, which show that the historic cemetery was partially located on the site, as well as on surrounding properties within the Los Angeles Plaza Historic District. Some of the individual remains excavated may be Native American since there are burial records that indicate Native Americans

were buried at the historic cemetery; however, those records also indicate that many non-Native Americans were also buried at the historic cemetery. In addition, some of the associated funerary objects are of Native American manufacture. Although the precise number of Native American individuals is not available, associated funerary objects that are of Native American manufacture were found at four burial locations. No known individuals were identified. The associated funerary objects that are of Native American manufacture are: (1) one edge- modified chalcedony scraper, (2) three shell beads, (3) one abalone shell fragment, and (4) one chert fragment.

The Project is located in downtown Los Angeles within the Los Angeles Plaza Historic District, and is adjacent to the La Plaza Church (Plaza Church), which was founded in 1822 and was previously known as Our Lady Queen of Angels Church. A 4,400 square feet area adjacent to the Plaza Church was proposed to be developed as the Campo Santo Memorial Garden to commemorate the former historic cemetery at the Project site. The environmental review documents (an Environmental Impact Report that was certified in 2004 and amended in 2010) for the Project consistently noted the presence of former cemeteries within and in close proximity to the boundaries of the proposed Project area, and specifically noted the presence of the historic cemetery area associated with the Plaza Church. Information provided by the Plaza Church stated that its historic cemetery on the property was closed in 1844, and the remains from that cemetery were removed and reinterred in a new cemetery on North Broadway named Calvary Cemetery.

Prior to the commencement of ground-disturbing work, the Foundation conducted ground penetrating radar investigation of the entire property. The results of this investigation did not identify any potential human remains on the property, including in the area of the historic

cemetery. In June 2009, the Foundation retained an archeological consultant to monitor geotechnical investigation work, including soil borings. No human remains or other cultural resources were identified during that investigative work, and archeological monitoring was performed for all earthmoving activity at the Project site.

Although no human remains or other cultural items were identified, there were mitigation measures for the Project that required monitoring of any ground-disturbing activities and specified that the construction activities in the area of a cultural find be halted in order to mark, collect, and evaluate any archaeological material. In the event human remains were encountered, construction in the area was to cease and the remains were to be left in situ pending definition of an appropriate plan after consulting the County of Los Angeles Coroner (County Coroner) to determine whether investigation into cause of death was required, and the California Native American Heritage Commission if the remains were Native American.

On October 28, 2010, an isolated bone fragment was identified by the archeologist monitoring the excavation at the Project site. At the time of discovery, the County Coroner was contacted and construction activity was halted, per the mitigation procedures developed for this undertaking. The County Coroner investigated the identified remain and determined that it did not appear to be of Native American origin. The Foundation and County staff contacted the Catholic Archdiocese, which requested by a letter dated November 17, 2010, that any discovered remains from the historic cemetery area be excavated and transferred to the Catholic Archdiocese for respectful re-interment at a Catholic cemetery. The archeological team began work to excavate the discovered remains and related cultural artifacts in November 2010. Upon completion of the excavations, the remains were transferred from the archeological contractor to the County for temporary caretaking pending reburial.

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In January 2011, the Foundation and County met with Native American groups who provided church burial record information for the historic cemetery and asserted that this information showed that Native American descendants had been among the more than 600 individuals reported to have been buried at the former historic Catholic cemetery located in part on the LA Plaza property. The County had not received or located any burial records previously; research on these burial records commenced in or around 2006 at the Huntington Library. Construction and excavation activities in the area of the Project site, which included the former historic cemetery, were stopped by the Foundation on January 14, 2011 upon receipt of this information.

The area of the historic cemetery has been reused since circa 1860 as an orchard, a commercial structure (1900 to 1950), and a County building and parking lot (1950 to 2001). Consequently, there has likely been previous disturbance of burials that had not been removed when the cemetery was closed in 1844. The cemetery records provided to the County after discovery of the burials document that the Plaza Church yard, which served the Pueblo of Los Angeles from its inception, included individuals from tribes throughout Southern California, as well as people of European, African, and mixed heritage resident in the Pueblo at that time. At the request of the consulting parties, no additional analysis was conducted or is contemplated to identify individuals or their specific ancestry; the strong consensus from the Indian tribe, Indian groups, and the other interested parties favors immediate reburial in the same locale from which the remains were excavated. This locale is located in the aboriginal territory of the Gabrielino/Tongva Native American group; however, individuals from many other Southern California tribes resided in the Pueblo of Los Angeles, particularly after the Mission system was secularized in 1834.

Although non-Native American remains are likely included among the remains excavated at the LA Plaza de Cultura y Artes property, based on the consensus of those involved and because the remains and associated funerary objects were removed from this site and a specific determination for each individual is not possible at this time, all individuals will be reburied in the former area of the historic cemetery from which they were removed.

Determinations made by the County of Los Angeles

Officials of the County of Los Angeles have determined that:

- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the human remains and any present-day Federally-recognized Indian tribe.
- Pursuant to 25 U.S.C. 3001(9), based on the discovery of associated funerary objects of Native American manufacture at four burial locations, the human remains described in this notice may represent the physical remains of four individuals of Native American ancestry; the physical remains of a minimum of 103 individuals were discovered and excavated from the LA Plaza property.
- Pursuant to 43 CFR 10.11(c)(1), the NAGPRA disposition is to _____, a Federally-recognized Indian tribe, on behalf of itself, the other Indian groups, and the interested parties representing the non-Native American remains, to allow for re-interment at the LA Plaza property by the County, who shall continue to maintain physical custody of the remains and associated funerary objects.

Additional Requestors and Disposition

Representatives of any Federally-recognized Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects or any other

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Federally-recognized Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dawn McDivitt, County of Los Angeles, 500 West Temple St., Room 754, Los Angeles, CA 90012, telephone (213) 974-2620, before *[insert date 30 days following publication in the **Federal Register**]*. The disposition of the human remains and associated funerary objects is to _____, to allow for re-interment at the LA Plaza property by the County, who shall continue to maintain physical custody of the remains and associated funerary objects, which may proceed after that date if no additional requestors come forward.

The County of Los Angeles is responsible for notifying the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California; Augustine Band of Cahuilla Indians, California; Barona Group of the Capitan Grande Band of Mission Indians of the Barona Reservation, California; Cabazon Band of Mission Indians, California; Cahuilla Band of Mission Indians of the Cahuilla Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Chemehuevi Indian Tribe of the Chemehuevi Reservation, California; Ewiiapaayp Band of Kumeyaay Indians, California; Fort Mojave Indian Tribe of Arizona, California & Nevada; Iipay Nation of Santa Ysabel, California; Inaja Band of Diegueno Mission Indians of the Inja and Cosmit Reservation, California; Jamul Indian Village of California; La Jolla Band of Luiseno Indians, California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Los Coyotes Band of Cahuilla and Cupeno Indians, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; Morongo Band of Mission Indians, California; Pala Band of Luiseno Mission Indians of the Pala Reservation, California; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseño Mission Indians of the

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Pechanga Reservation, California; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Ramona Band of Cahuilla, California; Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California; San Luis Rey Band of Mission Indians; San Manuel Band of Mission Indians, California; San Pasqual Band of Diegueño Mission Indians of California; Santa Rosa Band of Cahuilla Indians, California; Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; Soboba Band of Luiseño Indians, California; Sycuan Band of the Kumeyaay Nation; Torres-Martinez Desert Cahuilla Indians, California; Twenty-Nine Palms Band of Mission Indians of California; and Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California, that this notice has been published. The County of Los Angeles will also notify the following non-Federally recognized Indian groups that this notice has been published: Fernandeno Tataviam Band of Mission Indians; Gabrieleno Band of Mission Indians; Gabrielino Tongva Indians of California; Gabrielino Tongva Nation; Juaneño Band of Mission Indians, Acjachemen Nation; Kumeyaay Diegueño Land Conservancy; Kumeyaay Cultural Heritage Preservation; Kumeyaay Cultural Historic Committee; Kumeyaay Cultural Repatriation Committee; Kwaaymii Laguna Band of Mission Indians; and Tongva Ancestral Territory Tribal Nation. In addition, the County will notify the Catholic Archdiocese of Los Angeles and the Foundation that this notice has published.

Dated:

Sherry Hutt,

Manager, National NAGPRA Program.