

3.12 TRIBAL CULTURAL RESOURCES

This section evaluates the potential impacts related to tribal cultural resources that would result from implementation of the Master Plan Update. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by CSULB for the proposed project, as required by CEQA, as amended by Assembly Bill (AB) 52. Additionally, the analysis in this section is based, in part, on the findings of the Confidential Archaeological Resources Technical Report included as Confidential Appendix F that was prepared to support this analysis.

Tribal cultural resources are defined by the California Public Resources Code (PRC) Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

Comments from the Native American Heritage Commission (NAHC) related to tribal cultural resources were received during the public scoping period in response to the NOP. These comments address the project's consultation requirements under AB 52 and Senate Bill 18 and provides recommendations to assess the existence and significance of tribal cultural resources. For a complete list of public comments received during the public scoping period, refer to Appendix A.

3.12.1 Regulatory Setting

Federal

National Register of Historic Places

The National Register of Historic Places (National Register) was established by the National Historic Preservation Act (NHPA) of 1966, as “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation’s historic resources and to indicate what properties should be considered for protection from destruction or impairment” (36 CFR 60.2).¹ The National Register recognizes a broad range of cultural resources that are significant at the national, state, and local levels and can include districts, buildings, structures, objects, prehistoric archaeological sites, historic-period archaeological sites, traditional cultural properties, and cultural landscapes. As noted above, a resource that is listed in or eligible for listing in the National Register is considered “historic property” under Section 106 of the NHPA.

To be eligible for listing in the National Register, a property must be significant in American history, architecture, archaeology, engineering, or culture. Properties of potential significance must meet one or more of the following four established criteria:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history;
- B. Are associated with the lives of persons significant in our past;

¹ Code of Federal Regulations, Title 36, Part 60.2.

- C. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the criteria of significance, a property must have integrity. Integrity is defined as “the ability of a property to convey its significance.” The National Register recognizes seven qualities that, in various combinations, define integrity. The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association. To retain historic integrity a property must possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance.

Ordinarily religious properties, moved properties, birthplaces or graves, cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years are not considered eligible for the National Register unless they meet one of the Criteria Considerations (A-G), in addition to meeting at least one of the four significance criteria and possessing integrity:²

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life; or
- d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

State

Assembly Bill 52

On September 25, 2014, Governor Jerry Brown signed into law AB 52. The act amended PRC Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a NOP or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) was filed on or after July 1, 2015.

² U.S. Department of the Interior, Revised 1997, *National Register Bulletin, How to Apply the National Register Criteria for Evaluation*.

AB 52 established a new category of protected resources under CEQA called tribal cultural resources. AB 52 requires that agencies consult with tribal representatives and consider tribal cultural values in addition to scientific and archaeological values when determining project impacts and mitigation measures during the planning process. According to PRC Section 21074, tribal cultural resources consist of either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
 - (A) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
 - (B) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

The following is a general summary of the PRC sections added by AB 52:

- PRC Section 21073 defines California Native American tribe to mean a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.
- PRC Section 21080.3.1 declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources. It also provides requirements for lead agencies to consult with California Native American tribes.
- PRC Section 21080.3.2 identifies potential topics for consultation, including the significance of tribal cultural resources, the significance of a project’s impacts on tribal cultural resources, and measures for preservation or mitigation, if necessary, and defines when consultation shall be considered concluded. Consultation is concluded when: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; and (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

- PRC Section 21082.3 states that mitigation measures agreed upon in consultation shall be recommended for inclusion in the environmental document if determined to avoid or less impacts. The section also states that a lead agency may certify an environmental impact report with a significant impact on an identified tribal cultural resource if consultation has occurred, consultation was requested by a California Native American tribe but has not provided comments or engaged, or the Native American Tribe fails to request consultation within 30 days.
- PRC Section 21083.09 revises Appendix G of the CEQA Guidelines to include consideration of tribal cultural resources.
- PRC Section 21084.2 declares that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant impact on the environment.
- PRC Section 21084.3 provides example mitigation measures that may be considered to avoid or minimize significant adverse impacts to any tribal cultural resource.

California Register of Historical Resources

The California Register is “an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for eligibility for the California Register are based upon National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

1. To be eligible for the California Register, a prehistoric or historic-period property must be significant at the local, state, and/or federal level under one or more of the following four criteria:
2. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
3. Is associated with the lives of persons important in our past;
4. 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
5. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must meet one of the criteria of significance described above, and retain enough of its historic character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the National Register, but it may still be eligible for listing in the California Register.

Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register and those formally determined eligible for the National Register;

- California Registered Historical Landmarks from No. 770 onward; and,
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.

Other resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5 (those properties identified as eligible for listing in the National Register, the California Register, and/or a local jurisdiction register);
- Individual historical resources;
- Historic districts; and,
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

Public Resource Code Section 5097.9. Interference with Native American religion or damage to cemeteries or places of worship, etc., prohibited; construction and exemptions from law.

No public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. The provisions of this chapter shall be enforced by the commission, pursuant to Sections 5097.94 and 5097.97.

The provisions of this chapter shall not be construed to limit the requirements of the Environmental Quality Act of 1970, Division 13 (commencing with Section 21000).

The public property of all cities, counties, and city and county located within the limits of the city, county, and city and county, except for all parklands in excess of 100 acres, shall be exempt from the provisions of this chapter. Nothing in this section shall, however, nullify protections for Indian cemeteries under other statutes.

California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097

California Health and Safety Code Section 7050.5, and PRC Sections 5097.94 and 5097.98 outline procedures to be followed in the event human remains are discovered during the course of California projects. If human remains are encountered, all work must stop at that location and the County Coroner must be immediately notified and advised of the finding. The County Coroner would investigate “the manner and cause of any death” and make recommendations concerning treatment of the human remains. The County Coroner must make their determination within two working days of being notified. If the human remains are determined to be Native American, the County Coroner shall contact the California Native American Heritage Commission. The Commission would in turn “...immediately notify those persons it believes to be most likely descended from the deceased Native American.” The descendants would then inspect the site and make recommendations for the disposition of the discovered human remains. This

recommendation from the most likely descendants may include the scientific analysis of the remains and associated items.

California State University, Long Beach Native American Reburial Remains and Cultural Patrimony Committee

CSULB's policy on Native American Burial Remains, Associated and Unassociated Funerary Objects, Sacred Objects, and Other Cultural Patrimony was developed through consultation with the local Native American community regarding construction projects and archaeological excavation and approved by the CSULB President on February 20, 1996. The policy was enacted to ensure compliance with the Federal Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 and applies to Native American burial remains, associated and unassociated funerary objects, sacred objects, and other cultural patrimony. The policy is overseen by the university's Native American Burial Remains and Cultural Patrimony (Committee). The committee includes: CSULB's Director (or designee) of American Indian Studies; two probationary or tenured CSULB faculty specializing in archaeology, biological anthropology, or cultural anthropology (or the most close related specializations available); two additional probationary or tenured CSULB faculty (at least one of whom shall be of Native American heritage); five representatives recommended by tribal authorities of Native American communities whose heritage is closely associated geographically with the counties of Los Angeles and Orange; and CSULB's Vice President (or designee) for Academic Affairs.

California State University, Long Beach Settlement Agreement, Declaration of Restrictive Covenant, and Conservation Easement – Puvungna³

On September 16, 2021, the CSU Board of Trustees entered into a Settlement Agreement to resolve litigation filed by the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes, a Tribal Nation ("Tribe"), and California Cultural Resources Preservation Alliance, Inc. ("CCRPA"). The Settlement Agreement required the CSU to record a Declaration of Restrictive Covenant ("Declaration") over the northwestern portion of the CSULB campus, of which a portion is the tribal and historic site commonly known as "Puvungna" (Restricted Parcel). The Declaration prohibits certain uses on the Restricted Parcel, including the construction or installation of new structures or improvements, to protect tribal and historic resources. The Declaration also permits certain uses on the Restricted Parcel, including passive use by California Native American tribes and affiliated groups, maintenance, and emergency actions. The Declaration may be terminated if and when the CSU establishes a Conservation Easement over the Restricted Parcel.

The Settlement Agreement further requires the CSU to make a good faith effort to establish a perpetual Conservation Easement over the Restricted Parcel within two years. The Conservation Easement will be granted to a qualified grantee and may be managed by a qualified easement manager. The Conservation Easement will be subject to a long-term maintenance and management plan to be prepared in the future. The prohibited and permitted uses will be the same as under the Declaration.

3.12.2 Environmental Setting

Tribes are experts on their cultural history and should be consulted for their tribal knowledge. The information presented herein is related to living tribes who still reside in Los Angeles and Orange counties and who maintain a vested interest in their history, culture, practices, customs, and

³ Variants of the name include Pubuna, Pubugna, Puvu, Puvungna, Puvunga, Puvu-ngna, and Povuu'ngna. The ethnographic village is referred to as "Puvungna" while the archaeological district NRHP-listing is referred to as "Puvunga."

beliefs. These tribes are living communities who actively participate in the preservation of their culture and tribal resources. The following discussion is prepared based on archaeological reconstructions and published ethnographic and historical research; no original ethnographic research or oral historic research was conducted.

Ethnographic Overview

The CSULB main campus is located in a region traditionally important to multiple Native American groups and is seen by some Native Americans to be their place of creation itself. In particular, these include the Gabrielino (including the Tongva and Kizh), the Juaneño-Acjachemen, and the Luiseño. The terms Tongva, Kizh, and Acjachemen are preferred by many descendant groups over the Spanish words that have historically been used to describe them, while the Luiseño are typically identified by their band (including La Jolla, Pala, Pauma, Pechanga, Rincon, Soboba, and San Luis Rey). Each group is described below. The following summaries are not intended to provide a comprehensive account of these groups but are instead brief historical overviews based on published information.

Gabrielino (or Tongva and Kizh)

The term “Gabrielino” is a general term that refers to those Native Americans who were sent by the Spanish to the Mission San Gabriel Arcángel. Two indigenous terms are commonly used by tribal groups to refer to themselves and are preferred by descendant groups: Tongva and Kizh. Since there are two terms that are used by different groups to refer to themselves, the term Gabrielino is used in this section to encompass both Tongva and Kizh groups.

Prior to European colonization, the Gabrielino occupied a diverse area that included the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina. Their neighbors included the Chumash and Tataviam to the north, the Juaneño to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence. The Gabrielino language was part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino Indians were hunter-gatherers and lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game was hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison. The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay or holly-leaved cherry. Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period. What is usually called the “Late Prehistoric” period, spanning from approximately 1,500 years B.P. to the mission era, is the period associated with the florescence of the Gabrielino.

Juaneño (or Acjachemen)

The Juaneño spoke a language belonging to the Cupan group of the Takic subfamily of the Uto-Aztecan language family. The Juaneño people were so called because of their association with Mission San Juan Capistrano, although some contemporary Juaneño identify themselves by the indigenous term Acjachemen. The term Acjachemen was used by Fray Gerónimo de Boscana to describe the indigenous group associated with the Mission San Juan Capistrano. During his

time at San Juan Capistrano, Boscana compiled an ethnographic account of the Acjachemen, including an account of the belief system centered around Chingichngish (or Chinigchinich), the primary deity of a Native American belief system that spread to multiple Southern California Native American tribes.

The Juaneño were linguistically and culturally related to the neighboring Luiseño, Cahuilla, and Cupeño. Juaneño territory extended from just above Aliso Creek in the north to San Onofre Canyon in the south and inland from the Pacific Ocean to Santiago Peak and the ridges above Lake Elsinore. The Juaneño lived in sedentary autonomous villages located in diverse ecological zones. Each settlement claimed specific fishing and collecting regions. Typically, villages were located in valley bottoms, along coastal strands and streams, and near mountain foothills. Villages were usually sheltered in coves or canyons, on the side of slopes near water and in good defensive spots. There are no reported ethnographic Juaneño villages in the vicinity of the undeveloped land on the northwest border of the CSULB main campus; the closest village sites are more than 20 miles south of the area.

Trails, hunting sites, temporary hunting camps, quarry sites, and ceremonial and gaming locations were communally owned, while houses, gardens, tools, ritual equipment, and ornamentation were owned by individuals or families. Most groups had fishing and gathering sites along the coast that they visited annually from January to March when inland supplies were scarce. October to November was acorn-gathering time, when most of the village would settle in the mountain oak groves. Houses were conical in form, partially subterranean, covered with thatch, reeds, brush, or bark. Sweathouses were round and earth covered. Each village was enclosed with a circular fence and had a communal ceremonial structure at the center.

Luiseño

The Luiseño are a group located south and west of the Juaneño. Like the Gabrielino and Juaneño, they take their English name from the Spanish mission to which most of them were assigned, San Luis Rey de Francia, located in today's Oceanside. Luiseño language and culture are so closely related to those of the Juaneño that the authors of the Smithsonian Institution's Handbook treat them as a single tribe.

However, one of the key historical differences between the Juaneño and the Luiseño is the particular relationship between certain Luiseño bands and the United States federal government. These relationships extend to federal recognition and the establishment of reservations for these Luiseño bands. Native American tribal governments with reservations that are occupied and ministered in whole or in part by Luiseño bands include the La Jolla Band of Luiseño Indians; the Pala Band of Mission Indians; the Pauma Band of Luiseño Indians of the Pauma and Yuima Reservation; the Pechanga Band of Luiseño Mission Indians; the Rincon Band of Luiseño Indians; and the Soboba Band of Luiseño Indians. The federal recognition status of these bands of Luiseño has given them federal consultation rights, including the right to repatriate human remains and grave goods under the Native American Graves Protection and Repatriation Act.

Tribal History of the CSULB Main Campus and Vicinity

The following description is a brief summary of the ethnographic information regarding the CSULB main campus. The Long Beach area was heavily settled by the Gabrielino due to its estuaries and protected bays and inlets and as evidenced by ethnography about the area, mission registers, and archaeological sites. There were a number of villages and hamlets settled in the Long Beach area.

Puvungna is the birthplace of Chingichngish, the primary deity of a Native American belief system that spread to multiple Southern California Native American tribes. The belief system based on the teachings of Chinigchinich continues to be part of modern tribal spiritual and cultural practices. In particular, Puvungna was a Gabrielino Rancheria located near Alamitos Bay, and ethnographic accounts and baptism records from the San Gabriel Mission indicated that at the time of Spanish contact it was a large and thriving community. Most ethnohistoric data suggest that the main village of Puvungna was located on Alamitos Mesa at Bixby Ranch, to the southeast of the undeveloped land on the northwest border of the CSULB main campus. However, as villages often covered large areas and could move to meet changing needs, Puvungna may refer to the entire rim of Alamitos Bay.

The Chinigchinich religion is generally considered relatively young. Beginning among the Gabrielino, it spread to the Luiseño, Juaneño, and Kumeyaay. It was intensely studied by twentieth-century anthropologists, many of whom believed it developed as a response to the illnesses and social disruption caused by European contact.

National Register-Listed Puvunga Indian Village Sites Archaeological District/NAHC Sacred Lands Inventory Listed Site

During the rancho era, the village of Puvungna was located on Rancho Los Alamitos, originally part of a much larger land grant by Manuel Nieto that encompassed the former village. Nieto established the land, which was over 200,000 acres, as Rancho Los Nieto and began building adobes on Bixby Hill in approximately 1804. In 1833, Rancho Los Alamitos was established at 28,612 acres, and encompassed the western half of Long Beach, southern half of Signal Hill, Los Alamitos, Seal Beach, Cypress, Garden Grove, Stanton, and Westminster.

Native American informants pointed out a shell midden beside the spring near the old Rancho Los Alamitos ranch house and local historians also regarded this as the site of Puvungna. The site was later recorded as P-19-000306 (also known as CA-LAN-306), and until the 1970s, this was generally regarded as the site of Puvungna, even appearing labeled as such in historical maps. Archaeologists in the 1970s began to suggest that other sites in the Signal Hill region could be associated with Puvungna.

The CSULB main campus is located on what was Rancho Los Nietos, the largest and one of the earliest Spanish land grants in California. In 1804, the rancho was divided into five separate ranchos. The land within the CSULB main campus became a part of Rancho Los Alamitos. In about 1806, an adobe house was built on a hilltop near a spring approximately 0.9 miles southeast of the CSULB main campus. This house, enlarged several times, still stands.

Over the course of the 1970s, CSULB and the surrounding community developed most of the remaining undeveloped land on and surrounding the campus. The Rancho Los Alamitos Adobe was eventually completely surrounded by a gated community. While visitors can still visit site P-19-00306 next to the adobe, they can only do so during specific times and under conditions set by Rancho Los Alamitos and the surrounding gated community.

In 1974, the Keeper of the National Register found that three sites (P-19-000234, -235, and -306) qualified for the Register as contributors to the Puvunga Indian Village Sites Archaeological District as three undeveloped archaeological sites in Long Beach that are representative of the ancient village of Puvungna. The village of Puvungna and its sphere of influence, which would have included resource procurement areas and likely also dependent hamlets and even dependent villages, is generally considered to have occupied the region surrounding the historic Rancho Los Alamitos Ranch House and the CSULB main campus. Site P-19-00035,

encompassing approximately 22.4 acres within the northwest portion of the CSULB main campus, west of Determination Drive, is considered by some tribes as the only part of Puvungna that remains undeveloped. On May 22, 1982, the NRHP listed an increased boundary for P-19-000235.

In 1993 CSULB initiated plans to develop part of P-19-000235 west of Determination Drive (formerly Earl Warren Drive). A Juaneño woman named Lillian Valenzuela Robles became one of the leaders in the opposition to construction and shaped ceremonial practice at Puvungna as it exists today. Robles and her supporters' actions generated considerable scholarly and public discourse. Not all Native Americans believed P-19-000235 and Puvunga Indian Village Sites Archaeological District was sacred in the same way as Robles, and even the individual tribes (e.g., Chumash, Gabrielino, Juaneño, and Luiseño) were not united within themselves, but her vision has had significant impact among these tribes and others.

CSULB abandoned plans to develop the undeveloped portion of P-19-000235 at the northwest border of the CSULB main campus in 1995. In 1997, Robles initiated the Ancestor Walk—a multi-county vehicular pilgrimage visiting several sites in San Diego, Orange, and Los Angeles Counties culminating at the undeveloped land on the northwest border of the CSULB main campus. Later, she invited Bear Dancers to perform the Bear Dance at the conclusion of the Ancestor Walk. The site has maintained this importance to tribes, with the annual Ancestor Walk and Bear Dance traditions, which have solidified the importance of the site to local Native American tribes and individuals, signifying the development of an apparent pan-tribal religious movement. This importance is still recognized today by the tribal community, including those who participated in the original movement and their descendants.

Today, those who take part in the Ancestor Walk pilgrimage and the Bear Dance include not only Juaneño and Gabrielino, but also many Native Americans from other tribal backgrounds. Their numbers include other California Native Americans and even include those whose tribal origins lay outside California. An estimated 500 people attended the Ancestor Walk and Bear Dance in 2019. The Ancestor Walk was held at P-19-000235 for the 26th consecutive year in 2022.

Restricted Parcel

The northwestern portion of the CSULB campus, of which a portion is the tribal and historic site known as Puvungna is actively used for tribal ceremonies and gatherings. Per the Settlement Agreement, a restrictive covenant prohibiting development has been established on a large portion of this site (Restricted Parcel) and is held in reserve for the future establishment of a permanent conservation easement for its perpetual protection and management.

3.12.3 Methodology

Tribal cultural resources are defined by and in consultation with tribal representatives. Tribal consultation was formally initiated in April 2022 and concluded in August 2023, as is further discussed below under the AB 52 Consultation section. The analysis of impacts to tribal cultural resources is based on the consultation between CSULB and the responding Tribes, information provided by the Tribes, and the Confidential Archaeological Resources Technical Report (Confidential Appendix F).

AB 52 requires that public agencies avoid damaging effects to any tribal cultural resource when feasible, and as such the preferred mitigation is avoidance and preservation in place. If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource and measures are not otherwise identified in the consultation process provided in PRC

Section 21080.3.2, the following under PRC Section 21084.3 are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Sacred Land Files Search

The NAHC maintains a confidential Sacred Lands File (SLF) which contains sites of traditional, cultural, or religious value to the Native American community. The NAHC was contacted to request a search of the SLF. The NAHC responded to the request in a letter dated January 4, 2022, indicating that the SLF search was positive. The letter recommended that Native American groups be contacted for additional information regarding known and recorded sites.

Known Tribal Cultural Resources

A portion of the NRHP and CRHR listed site P-19-000234 and P-19-000235, which are contributors to the Puvunga Indian Village Sites Archaeological District, has been determined to constitute a tribal cultural resource under CEQA. Puvungna is also of known importance to Tribes, and is determined by CSULB, in its discretion as the Lead Agency, to be a Tribal Cultural Resource pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Development on the Restricted Parcel which is part of the National Register-listed Puvunga Indian Village Sites Archaeological District and is listed in the Native American Heritage Commission's Sacred Lands Inventory is prohibited. The Restricted Parcel is held in reserve for the future establishment of a permanent conservation easement for its perpetual protection and management. No projects or development under the Master Plan Update would occur on the Restricted Parcel, including to any ceremonial features.

Additionally, P-19-000234 and P-19-000235 are tribal cultural resources and are listed in the NAHC's Sacred Lands Inventory. Additionally, as discussed in Section 3.4, Cultural Resources, there are seven resources that are potentially eligible archaeological resources within the CSULB main campus. Of the seven resources that are treated as eligible, five resources located on the

CSULB main campus have yielded significant information regarding the prehistory of California and appear to be eligible for inclusion in the CRHR. They are: P-19-000705, P-19-001000, P-19-002616, P-19-002629, and P-19-002630. The resources have not been formally evaluated but are potentially eligible for inclusion in the CRHR under Criterion 4. The other two resources, P-19-120042 and P-19-120043, located on the CSULB main campus were documented as midden traces but have not been investigated to determine their potential eligibility for inclusion in the CRHR. The resources have not been formally evaluated but are potentially eligible for inclusion in the CRHR under Criterion 4. They are treated as potentially eligible for inclusion in the CRHR for purposes of this analysis, and thus, are also considered potential tribal cultural resources for the purposes of CEQA.

No eligible or potentially eligible historical resources or tribal cultural resources have been identified within the Beachside Village property.

Thresholds of Significance

The significance thresholds used to evaluate the impacts of the Master Plan Update related to tribal cultural resources are based on Appendix G of the CEQA Guidelines. Based on Appendix G, a project would have a significant impact related to tribal cultural resources if it would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

3.12.4 Impact Analysis

The impact analysis below is organized into a program-level analysis and a project-level analysis. For the program-level analysis, the Master Plan Update is evaluated as an overall program of development over a multi-year planning horizon for the CSULB campus. For the project-level analysis, near- and mid-term development projects that would be implemented under the Master Plan Update are analyzed.

TCR-1 **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?**

Program-Level Analysis for Master Plan Update

Construction

Sites P-19-000234 and P-19-000235, located on the CSULB main campus, are listed on the NRHP as contributing resources to the Puvunga Indian Village Sites Archaeological District. Resources that are listed in the NRHP are automatically listed in the CRHR. Additionally, there are seven resources (P-19-000705, P-19-001000, P-19-002616, P-19-002629, P-19-002630, P-19-120042, and P-19-120043) that are potentially eligible archaeological sites that could contain resources that are determined to be tribal cultural resources in consultation with the tribes, within the CSULB main campus.

Implementation of the Master Plan Update would include renovation of existing buildings (renovation), demolition and replacement of existing buildings in the same physical locations (replacement), construction of new buildings (new construction), and leaving buildings in their existing location and configuration (building to remain). Any renovation, replacement, or new construction project that would require ground-disturbing activities within the boundary of a known or unknown archaeological site that could contain resources that are determined to be tribal cultural resources, and therefore, could result in a potentially significant impact to the resource. Examples of such “ground-disturbing activities” are defined for the purposes of this analysis to include the following: equipment and materials staging, stockpiling, storage, placement of temporary structures including construction trailers, gravelling, geotechnical boring, clearing and grubbing including vegetation or tree removal, grading, project-specific exploratory ground-disturbance, compaction, boring, excavating including hydrovac, digging, trenching, rig anchor installation, drilling, tunneling, auguring, blasting, topsoil stripping, land leveling, driving a ground rod, and installing fence posts. These construction activities could result in potentially significant impacts to tribal cultural resources.

As discussed in Section 3.12.3, Environmental Setting, per the Settlement Agreement, no projects or development under the Master Plan Update shall occur on the Restricted Parcel, a portion of the Puvunga Indian Village Sites Archaeological District in the northwestern portion of campus. This prohibition extends to any activities that could affect ceremonial features. However, the boundaries of contributing Sites P-19-000234 and P-19-000235 extend past the boundaries of the Restricted Parcel. Implementation of the Master Plan Update may overlap with portions of Sites P-19-000234 and P-19-000235 outside of the Restricted Parcel, resulting in a potentially significant impact. Adherence to Mitigation Measures TCR-A through TCR-C and AR-A would be required, and AR-I, as applicable (refer to Section 3.12, Cultural Resources).

Mitigation Measure TCR-A would require a Worker Environmental Awareness Program (WEAP) be conducted prior to the start of construction to inform the construction crew of tribal cultural resource’s values involved and procedures relating to the discovery of unanticipated resources that require evaluation as potential tribal cultural resources. Mitigation Measure TCR-B would require Native American monitoring within known listed/potentially eligible archaeological sites on campus and/or a 25-foot radius of the known archaeological site boundary and at the discretion

of the qualified archaeologist pursuant to Mitigation Measure AR-A (refer to Section 3.12, Cultural Resources). Mitigation Measure TCR-C would govern the treatment of tribal cultural resources, if they are identified, which would include preparation of a Treatment Plan in accordance with Mitigation Measure AR-I (refer to Section 3.12, Cultural Resources) and allow tribes an opportunity to comment on the plan. Implementation of Mitigation Measures TCR-A through TCR-C would reduce impacts to listed and eligible tribal cultural resources to less than significant.

Operation

Operation of the improvements associated with the Master Plan Update would include routine landscape maintenance and other maintenance and operational activities (i.e., mowing; above-ground tree trimming and tree maintenance; aerating turf fields; setting up bleachers on the athletic fields; repairing existing irrigation lines; parking, staging, and stockpiling on paved surfaces; and pest and rodent control activities) that would not require ground-disturbing activities that have the potential to impact tribal cultural resources. Therefore, no impacts associated with operation of the Master Plan Update would occur to tribal cultural resources.

Project-Level Analysis for Near- and Mid-Term Development Projects

Construction

Of the near- and mid-term individual development projects included in Table 2-11 in Chapter 2, Project Description, eight overlap (occur partially within the boundaries of) known tribal cultural resources or potentially eligible archaeological resources that could be determined to be tribal cultural resources in consultation with the tribes. The individual development projects that overlap significant or potentially significant archaeological sites are listed below in Table 3.12-1.

Table 3.12-1: Individual Development Projects that Overlap with Known Potentially Significant Archaeological Sites

Project Name	Type of Project	Overlapping Potentially Significant Resources	Phase
East			
Engineering Replacement Building	Replacement	P-19-002616	Near
Faculty and Staff Housing	New	P-19-002616	Near
North			
Aquatics Center and Pool Renovation	Replacement	P-19-001000	Near
Jack Rose Track/Commencement Facilities	Renovation	P-19-002630	Mid
Baseball Field Conversion to Multi-Use Field	Renovation	P-19-002630	Mid
West			
Hillside College Renovations/Addition	Renovation	P-19-120043; P-19-002629; P-19-000234/235	Near
Improved Campus Entrance and Gateway	Renovation	P-19-000234/235	Near
Central/West/South			
Pedestrian/Bike Lane Improvements	Renovation	P-19-000234/235	Mid

No impacts to resources P-19-000705 and P-19-120042 would occur as the Master Plan Update does not propose individual development projects requiring ground-disturbing activities in these locations. As shown in Table 3.12-1, the Hillside College Renovations/Addition, Improved Campus Entrance and Gateway, and Pedestrian/Bike Lane Improvements would occur within the boundaries of the Puvunga Indian Village Sites Archaeological District but outside of the boundaries of the Restricted Parcel, and would be limited to interior renovations for the Hillside College Renovations/Addition project; replacement of existing pavement, changing out the letters on the existing entrance sign, and landscaping for the Improved Campus Entrance and Gateway; and replacement of existing pavement for Pedestrian and Bike Lane Improvements project. To minimize and/or avoid impacts to the Puvunga Indian Village Sites Archaeological District, Mitigation Measures TCR-A through TCR-C would be implemented.

The remaining individual development projects listed in Table 3.12-1 also have the potential to include ground-disturbing activities. Any ground-disturbing activities that impact previously undisturbed sediments on these individual project sites have the potential to impact buried archaeological resources that could be determined to be tribal cultural resources and reduce their eligibility for inclusion in the CRHR. Therefore, individual development projects requiring ground-disturbing activities within potentially significant tribal cultural resources could result in a significant impact, and Mitigation Measures TCR-A through TCR-C would be required. With implementation of these mitigation measures, impacts to potentially significant tribal cultural resources would be less than significant.

For individual development projects requiring ground-disturbing activities that would occur *outside* of the boundaries of known archaeological resources that could be tribal cultural resources, TCR-A and TCR-C would be required. TCR-C for Native American monitoring would be implemented at the discretion of the qualified archaeologist, in accordance with Mitigation Measure AR-A (refer to Section 3.4, Cultural Resources). With implementation of these mitigation measures, impacts to potentially eligible tribal cultural resources would be less than significant.

As in the program-level analysis, impacts to tribal cultural resources resulting from the near-term and mid-term projects would be reduced to a less than significant level with the implementation of Mitigation Measures TCR-A through TCR-C.

Operation

Similar to under the program-level analysis, operation of the individual development projects would not require any additional ground-disturbing activities beyond routine landscape maintenance and other maintenance and operational activities (i.e., mowing; above-ground tree trimming and tree maintenance; aerating turf fields; setting up bleachers on the athletic fields; repairing existing irrigation lines; parking, staging, and stockpiling on paved surfaces; and pest and rodent control activities) that could impact known or unknown tribal cultural resources on the CSULB main campus. Therefore, no impact to tribal cultural resources would occur as the result of project operation.

TCR-2 Would the project the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Program-Level Analysis for Master Plan Update

As discussed under threshold TCR-1, sites P-19-000234 and P-19-000235 are listed on the NRHP as contributing resources to the Puvunga Indian Village Sites Archaeological District and listed in the NAHC's Sacred Lands Inventory. Puvungna is often associated with the place of creation and the scene of important activities by several culture heroes or gods. Puvungna is also the site of cultural change and innovation with the introduction of the Ancestor Walk in 1997. The site has maintained this importance to tribes, with the annual Ancestor Walk and Bear Dance traditions, which have solidified the importance of the site to local Native American tribes and individuals, signifying the development of an apparent pan-tribal religious movement. This importance is still recognized today by the tribal community, including those who participated in the original movement and their descendants. Today, those who take part in the Ancestor Walk pilgrimage and the Bear Dance include not only Juaneño and Gabrielino but many Native Americans from other tribal backgrounds as well.

A portion of the Puvunga Indian Village Sites Archaeological District is actively used for ceremonies by Native American groups. Development on the Restricted Parcel is prohibited. The Restricted Parcel is held in reserve for the future establishment of a permanent conservation easement for its perpetual protection and management. Ceremonial features that exist at the site would not be impacted by implementation of the Master Plan Update. As discussed under threshold TCR-1, no impacts would occur to the Restricted Parcel, including to any ceremonial features.

Additionally, as required by AB 52, CSULB contacted representatives of eight tribes with a letter invitation for consultation e-mailed on April 21, 2022. To date, three of the tribes have requested further consultation under AB 52. Through the course of consultation, tribes have had the opportunity to review the Draft Archaeological Resources Technical Report prepared for the proposed project (Appendix F) and draft mitigation measures for tribal cultural resources, which were sent to the representatives of the eight tribes on July 17, 2023. No additional tribal cultural resources have been identified through the course of AB 52 consultation as of the writing of this Draft EIR. Nonetheless, Mitigation Measures TCR-A through TCR-C would be implemented to minimize any impacts to unknown tribal cultural resources. Therefore, impacts related to a substantial adverse change in the significance of a tribal cultural resource would be less than significant.

Project-Level Analysis for Near- and Mid-Term Development Projects

As discussed under threshold TCR-1, the Hillside College Renovations/Addition, Improved Campus Entrance and Gateway, and Pedestrian/Bike Lane Improvements would occur outside the boundaries of the Restricted Parcel and would not impact the portion of the Puvunga Indian Village Sites Archaeological District that is a known tribal cultural resource. Ceremonial features

that exist at the site would not be impacted by implementation of the individual development projects. As no additional tribal cultural resources have been identified as of the writing of this Draft EIR, no other individual development projects are anticipated to impact tribal cultural resources. Therefore, impacts related to a substantial adverse change in the significance of a tribal cultural resource would be less than significant.

3.12.5 Mitigation Measures

The following mitigation measures would reduce impacts to known and unknown tribal cultural resources and apply to projects on campus that would require ground-disturbing activities. Examples of such ground-disturbing activities include the following:

- Equipment and materials staging
- Stockpiling
- Storage
- Placement of temporary structures including construction trailers
- Graveling
- Geotechnical boring
- Clearing and grubbing, including vegetation or tree removal
- Grading
- Project-specific exploratory ground-disturbance
- Compaction
- Boring
- Excavating, including hydrovac
- Digging
- Trenching
- Rig anchor installation
- Drilling
- Tunneling
- Auguring
- Blasting
- Topsoil stripping
- Land leveling
- Driving a ground rod
- Installing fence posts

The following mitigation measures would not be applicable to routine landscape maintenance and other maintenance and operational activities. Examples of excluded maintenance and operational activities include the following:

- Mowing
- Above-ground tree trimming and tree maintenance
- Aerating the turf fields
- Setting up bleachers on the athletic fields
- Repairing existing irrigation lines
- Parking, staging, and stockpiling on paved surfaces
- Pest and rodent control activities

TCR-A Worker Environmental Awareness Program for Tribal Cultural Resources

Due to the potential to encounter unanticipated resources, prior to the beginning of ground-disturbing activities by the construction crew, the construction crew associated with ground-disturbing activities shall be informed of the tribal cultural resource's values involved and of the regulatory protections afforded those resources. The crew shall also be informed of procedures relating to the discovery of unanticipated resources that require evaluation as potential tribal cultural resources.

The crew shall be cautioned not to collect artifacts, and directed to inform a construction supervisor and the onsite Native American monitor in the event that tribal cultural resources are discovered during the course of construction.

The initial training shall be conducted by the on-site Native American monitor and can be incorporated into the project's construction safety training or in conjunction with the Worker Environmental Awareness Program for Archaeological Resources in accordance with Mitigation Measure AR-C. A supplemental briefing shall be provided to all new construction personnel that are associated with ground-disturbing activities, and may consist of reviewing presentation slides or viewing a recording.

TCR-B Native American Monitoring

This mitigation measure shall apply to projects requiring ground-disturbing activities located within known listed/potentially eligible archaeological sites on campus and/or a 25-foot radius of the known archaeological site boundary, including for ground-disturbing activities conducted by an archaeologist.

This mitigation measure shall also apply, at the discretion of the qualified archaeologist pursuant to Mitigation Measure AR-A (Initial Project Review), for projects located in unknown/ineligible archaeological sites on campus requiring ground-disturbing activities.

Due to the potential to encounter unanticipated resources, Native American monitoring shall be conducted by a qualified Native American monitor representing the tribe or tribes traditionally and culturally affiliated with the geographic area of the CSULB main campus.

To preserve the integrity of the tribal consultation process, archaeological support services, including monitoring, shall be provided by an entity separate and distinct from that providing Native American support services. The tribal cultural monitor shall observe ground-disturbing activities, maintain logs of all activities monitored, and will make documentation available to CSULB and all consulting Native American parties who request a record of the logs.

The log shall contain at a minimum:

- A brief description of the locations and activities monitored;
- A description of tribal cultural resources encountered; and
- A description of the treatment of those resources.

The logs shall be compiled and submitted to CSULB within 4 weeks of the completion of monitoring.

TCR-C Treatment of Tribal Cultural Resources

This mitigation measure applies to projects located within listed/potentially eligible archaeological sites on campus and/or a 25-foot radius of the known archaeological site boundary.

If a significant tribal cultural resource, as defined by Public Resources Code Section 21074, is identified within the project site, then prior to the beginning of the ground-disturbing activities within the documented boundaries of the resource or a 25-foot buffer:

- CSULB shall provide via e-mail a copy of the Treatment Plan prepared pursuant to Mitigation Measure AR-I to the tribe or tribes traditionally and culturally affiliated with the geographic area of the CSULB main campus as identified by the Native American Heritage Commission; and
- Tribes shall be offered an opportunity to comment within 7 days on the Treatment Plan developed that will govern the treatment of the resource.

Avoidance and preservation-in-place are the preferred treatment for tribal cultural resources, and the Treatment Plan will detail plans for avoidance, if possible, such as restricting work to disturbed soil or limiting the depth of excavations to avoid potential tribal cultural resources.

TCR-D Commemorative Sign

In consultation with the tribes consulting on this Master Plan Update and other interested Native American campus groups, the CSU shall design, create, and place in an appropriate conspicuous location a sign that shall commemorate the National Historic Register of Places and California Historical Place and California Register of Historical Resources listed site, Puvunga Indian Village Sites. In keeping with state law, no information regarding the archaeological site, artifacts, tribal cultural resources, or other confidential topics shall be included in the signage. No tribal government shall be given precedence in the signage over any other tribal government identified by the Native American Heritage Commission.

3.12.6 Level of Significance After Mitigation

Implementation of Mitigation Measures TCR-A through TCR-C would ensure that impacts to tribal cultural resources would be less than significant during construction activities. Implementation of Mitigation Measure TCR-D would ensure that impacts to tribal cultural resources would not be cumulatively considerable.

3.12.7 Cumulative Impacts

As discussed above, improvements associated with the Master Plan Update would result in less than significant impacts to tribal cultural resources with the implementation of Mitigation Measures TCR-A through TCR-C. These mitigation measures would ensure that the impact of the development of the Master Plan Update, in conjunction with the related projects, would not be cumulatively considerable. Additionally, related projects in the vicinity would also be required to comply with applicable state, federal, and local regulations concerning tribal cultural resources and conduct AB 52.

Specifically, development of the Master Plan Update would not impact any portion of the Puvunga Indian Village Sites Archaeological District that is within the Restricted Parcel. Development on the Restricted Parcel is prohibited, and the Restricted Parcel is held in reserve for the future establishment of a permanent conservation easement for its perpetual protection and management. Additionally, no other tribal cultural resources have been identified through the course of AB 52 consultation.

Nonetheless, to commemorate the cultural importance of Puvungna to the tribes and solidify the importance of the Puvunga Indian Village Sites Archaeological District to the university, Mitigation Measure TCR-D would be implemented. Mitigation Measure TCR-D would require the CSU design, create, and place in an appropriate conspicuous location a sign that would commemorate the NRHP-, California Historical Place-, and CRHR-listed site, Puvunga Indian Village Sites.

Therefore, the Master Plan Update would not result in cumulatively considerable impacts to tribal cultural resources.