

### **3.4 TRIBAL CULTURAL RESOURCES**

This section analyzes the potential impacts of the proposed project as it relates to tribal cultural resources. The analysis in this section is based, in part, on the findings of the Extended Phase I Cultural Resources Assessment (AECOM 2020) prepared for the proposed project and provided in Appendix B of this Supplemental EIR. Additionally, 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.

The section is intended to supplement the 2008 EIR and evaluate the proposed project's potential impacts to tribal cultural resources based on project modifications, changed circumstances, and/or new information that was not known and could not have been known with the exercise of reasonable diligence at the time the prior document was certified. At the time the 2008 Campus Master Plan was prepared, potential impacts to tribal cultural resources were not evaluated because it was prepared prior to the 2016 amendment to the State CEQA Guidelines pertaining to tribal cultural resources. However, potential impacts on known significant archaeological sites located in the vicinity of the proposed project were evaluated. The analysis contained herein incorporates the required programmatic mitigation measures from the 2008 EIR, which includes previous consideration of archaeological resources. Mitigation Measures CR-1 through CR-5 described in Section 3.1, Cultural Resources, are derived from the 2008 EIR and applicable to the proposed project. Project-specific mitigation measure, Mitigation Measure TCR-1, is also provided below to supplement the required mitigation measures from the 2008 EIR.

#### **3.4.1 Environmental Setting and Background**

The project site is located in coastal Los Angeles County on the CSULB campus. The project site is centrally located within the campus's Hillside College residence hall complex. The Hillside College complex is bounded by the campus border with the Veterans Affairs (VA) to the south, Earl Warren Drive to the west, the campus's Parking Lot G4 and the Los Cerritos Channel to the north, and Merriam Way and Student Health Services to the east. Merriam Way provides vehicular access to the Hillside College surface parking lot from the east. Earl Warren Drive is a two-lane road that provides primary north-south vehicular access to the campus.

As it is presently mapped, prehistoric archaeological site CA-LAN-235 (P-19-000235) overlaps the western boundary of the project area. The site is a contributor to the Puvunga Indian Village Historic District, a complex of three archaeological sites in the area that is listed in the National Register of Historic Places (NRHP) and thus, automatically listed in the California Register of Historical Resources (CRHR or California Register). The other two sites in the district are located in the vicinity of CA-LAN-235. CA-LAN-234 is located to the south of the project site overlapping the CSULB campus and the Veterans Administration campus. The third site, CA-LAN-306 is located to the southeast in the vicinity of Bixby Ranch. However, the CA-LAN-235 has never been evaluated for NRHP eligibility as an individual property. A portion of the Puvunga site, known as "the 22 acres," located to the west of Earl Warren Drive, is actively used for ceremonies by Native American groups.

As discussed in Section 3.1, Cultural Resources, the Puvunga site is often associated by today's Juaneño with the place of creation and the scene of important activities by several culture heroes or gods. The Puvunga site has become important to the development of Gabrielino and Juaneño religion over the past approximately 48 years since human remains were discovered on the property in 1972, and particularly in the 40 years since those remains were reinterred within the boundaries of the archaeological site, as further discussed below. The Puvunga site became a

renewed focus for Native American religion during the renaissance of Native American political and cultural life in the 1970s. The location was the site of further cultural change and innovation in 1995 with the introduction of the Ancestor Walk, a new religious ritual but one that is rooted in veneration of the ancestors. The Ancestor Walk and Bear Dance was held at CA-LAN-235 for the 22<sup>nd</sup> consecutive year in 2019, with an estimated 500 attendees.

The discussion regarding the eligibility of the Puvunga Indian Village Historic District generally does not include buildings, structures, or objects at the three archaeological sites that comprise the district. Instead, such discussions generally revolve around the undeveloped nature of these sites, as contrasted against the urbanized nature of surrounding Long Beach. The 22 acres portion of CA-LAN-235 is generally undeveloped, with the relatively new religious structures now found on the site (such as ancestor poles and the dance floor) post-date the 1974 NRHP nomination and are therefore not evaluated or cited for their contribution to the site's eligibility.

Finally, the site is important in the introduction of the Native American ritual of the Bear Dance from northern California to the Los Angeles area. The introduction of the Bear Dance to southern California appears little studied and therefore is poorly understood. The ritual is not exclusively practiced at CA-LAN-235—at least in 2018 it was celebrated both in conjunction with the Ancestor Walk at CA-LAN-235 and the following weekend at the annual intertribal Many Winters Gathering of Elders at Angels Gate Park in San Pedro—but the importance of the Bear Dance at CA-LAN-235 and their return at least annually contributes to the development of what appears to be a pan-Indian religious movement.

The Extended Phase I Cultural Resources Assessment (Appendix B) summarizes major prehistoric and historic developments in and around Long Beach, provides a more focused discussion of the history of the project area, and serves as a historical framework for the ethnohistoric village of Puvunga.<sup>15</sup>

Detailed information regarding the geoarchaeological analysis conducted for the proposed project are described in Section 3.1, Cultural Resources, subsection 3.1.1, and in Appendix B. Detailed information regarding the previous recorded cultural resources and archaeological investigations at CA-LAN-234 and CA-LAN-235 are described in Section 3.1, Cultural Resources, subsection 3.1.1, and in Appendix B.

### **3.4.2 Regulatory Setting**

#### **Federal**

##### ***National Historic Preservation Act***

The National Historic Preservation Act of 1966 established the National Register of Historic Places (NRHP) to recognize resources associated with the country's history and heritage. The NRHP is the nation's master inventory of known historic resources. The NRHP is administered by the National Park Service (NPS) and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Eligibility for in the NRHP is addressed in National Register Bulletin (NRB) 15: How to Apply the National Register Criteria for Evaluation. NRB 15 states that in order

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<sup>15</sup> Variants of the name include Puvungna, Puvunga, Puvu-ngna, and Povuu'ngna. The ethnographic village is referred to as "Puvungna" while the historic district NRHP-listing is referred to as "Puvunga."

to be eligible for the National Register, a resource must both: (1) be historically significant, and (2) retain sufficient integrity to adequately convey its significance.

Significance is assessed by evaluating a resource against established eligibility criteria. A resource is considered significant if it satisfies any one of the following four NRHP criteria:<sup>16</sup>

- Criteria A (events): associated with events that have made a significant contribution to the broad patterns of our history;
- Criteria B (persons): associated with the lives of significant persons in our past;
- Criteria C (architecture): embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction;
- Criteria D (information potential): has yielded or may be likely to yield, information important in prehistory or history.

Once significance has been established, it must then be demonstrated that a resource retains enough of its physical and associative qualities – or integrity – to convey the reason(s) for its significance. Integrity is best described as a resource’s “authenticity” as expressed through its physical features and extant characteristics. Generally, if a resource is recognizable as such in its present state, it is said to retain integrity, but if it has been extensively altered then it does not. Whether a resource retains sufficient integrity for listing is determined by evaluating the seven aspects of integrity defined by NPS:

- Location (the place where the historic property was constructed or the place where the historic event occurred);
- Setting (the physical environment of a historic property);
- Design (the combination of elements that create the form, plan, space, structure, and style of a property);
- Materials (the physical elements that were combined or deposited during a particular period of time and in a particular manner or configuration to form a historic property);
- Workmanship (the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory);
- Feeling (a property’s expression of the aesthetic or historic sense of a particular period of time);
- Association (the direct link between an important historic event/person and a historic property).

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<sup>16</sup> Some resources may meet multiple criteria, though only one criterion needs to be satisfied for NRHP eligibility.

Integrity is evaluated by weighing all seven of these aspects together and is ultimately a “yes or no” determination – that is, a resource either retains sufficient integrity, or it does not.<sup>17</sup> Some aspects of integrity may be weighed more heavily than others depending on the type of resource being evaluated and the reason(s) for the resource’s significance. Since integrity depends on a resource’s placement within a historic context, integrity can be assessed only after it has been concluded that the resource is in fact significant.

## State

### ***Assembly Bill 52***

On September 25, 2014, Governor Jerry Brown signed into law AB 52. The act amended California Public Resources Code (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 Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) was filed on or after July 1, 2015.

AB 52 established a new category of protected resources in 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 Public Resources Code 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 includes a general summary of the PRC Sections added by AB 52:

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<sup>17</sup> Derived from NRB 15, Section VIII: “How to Evaluate the Integrity of a Property.”

- 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 Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5***

Section 21084.1 of the California Public Resources Code states that for purposes of CEQA, “a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.”<sup>18</sup>

This necessitates a two-part inquiry: first, it must be determined whether a given project involves a historical resource, and if it does, a determination must be made as to whether the project may result in a “substantial adverse change in the significance” of that historical resource.

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<sup>18</sup> California Code of Regulations, Title 14, Chapter 3, Section 15064.5.

To answer these questions, guidance relating to historical resources has been formally codified as Section 15064.5 of the CEQA Guidelines, which define a “historical resource” as any one of the following, for purposes of CEQA compliance:<sup>19</sup>

- A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register of Historical Resources.
- A resource included in a local register of historical resources, or identified as significant in a qualified historical resource survey, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrate that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the California Register of Historical Resources.

Once it has been determined that a historical resource is present, it must then be determined whether the project may result in a “substantial adverse change” to that resource. Substantial adverse change is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource will be materially impaired.”<sup>20</sup> The significance of a historical resource is materially impaired when a project:

- a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resources that convey its historical significance and that justify its inclusion in, or eligibility for, the California of Historical Resources; or
- b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the PRC of its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project established by a preponderance of evidence that the resource is not historically or culturally significant; or
- c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for the purposes of CEQA.

CEQA requires a lead agency to identify measures to mitigate significant adverse impacts to historical resources. The CEQA Guidelines state that “the lead agency shall ensure that any

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<sup>19</sup> California Code of Regulations, Title 14, Chapter 3, Section 15064.5.

<sup>20</sup> California Code of Regulations, Title 14, Chapter 3, Section 15064.5.

adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures” deemed prudent and feasible.”<sup>21</sup>

### ***California Register of Historical Resources***

The CRHR is an authoritative guide used to identify, inventory, and protect historical resources in California. Established by an act of the State Legislature in 1998, the California Register program encourages public recognition and protection of significant architectural, historical, archaeological, and cultural resources; identifies these resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under the CEQA.

The structure of the California Register program is similar to that of the NRHP, though the former more heavily emphasizes resources that have contributed specifically to the development of California. To be eligible for the California Register, a resource must first be deemed significant under one of the following four criteria, which are modeled after the NRHP criteria listed above:

- Criteria 1 (events): associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- Criteria 2 (persons): associated with the lives of persons important to local, California, or national history;
- Criteria 3 (architecture): embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;
- Criteria 4 (information potential): has yielded, or has the potential to yield, information important in prehistory or history of the local area, state, or the nation.

Mirroring the National Register, the California Register also requires that resources retain sufficient integrity to be eligible for listing. A resource’s integrity is assessed using the same seven aspects of integrity used for the National Register. However, since integrity thresholds associated with the California Register are generally less rigid than those associated with the National Register, it is possible that a resource may lack the integrity required for the National Register but still be eligible for listing in the California Register.

Certain properties are automatically listed in the CRHR, as follows:<sup>22</sup>

- All California properties that are listed in the NRHP;
- All California properties that have formally been determined eligible for the NRHP (by the State Office of Historic Preservation);
- All California Historical Landmarks numbered 770 and above; and

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<sup>21</sup> California Code of Regulations, Title 14, Chapter 3, Section 15064.5.

<sup>22</sup> California Public Resources Code, Division 5, Chapter 1, Article 2, § 5024.1.

- California Points of Historical Interest which have been reviewed by the State Office of Historic Preservation and recommended for listing by the State Historical Resources Commission.

Resources may be nominated directly to the California Register. Any State Historic Landmarks listed after #770 are also automatically listed in the California Register. There is no prescribed age limit for listing in the California Register, although guidelines state that sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with a resource.

## Local

While CSULB is located within the Long Beach city limits, it is an entity of the CSU, which is a constitutionally created state agency, and is therefore not subject to local government planning and land use plans, policies, or regulations.

### 3.4.3 Environmental Impact Analysis

#### 3.4.3.1 Methodology

Tribal cultural resources are defined by and in consultation with tribal representatives. Tribal consultation was formally initiated in October 2019 and concluded on February 14, 2020, as is further discussed below under Sacred Land Files Search and AB 52 Consultation.

#### Sacred Land Files Search and AB 52 Consultation

A Native American Sacred Lands File (SLF) search and contact program were conducted to inform interested parties of the proposed project and to request any information that may indicate an impact to cultural resources within the project area. The program involved contacting Native American representatives identified by the Native American Heritage Commission (NAHC) and individuals and groups known to have knowledge about the project area, in order to solicit comments and concerns regarding the project.

A letter was prepared and emailed to the NAHC on March 6, 2019. The letter requested that a SLF check be conducted for the proposed project and that contact information be provided for Native American groups or individuals that may have concerns about cultural resources in the project site. The NAHC responded to the request in a letter sent via email and dated March 14, 2019. The letter stated that the SLF search had been conducted, and “The results were positive. Please contact the tribes on the attached list for more information.” The letter also provided a list of Native American groups to contact for their interests in this proposed project. The list named five ~~Gabrielino~~ Gabrielino tribes “who may also have knowledge of cultural resources in the project area.”

CSULB conducted consultation with these five tribes pursuant to AB 52. Representatives for these tribes were contacted with a letter mailed on October 15, 2019. Additionally, a letter was sent on October 22, 2019, to a representative for the Juaneño Band of Mission Indians–Acjachemen Nation, a tribe that had notified CSULB that it had an interest in the project area. Four tribes responded to the letter via e-mail, and an additional tribe confirmed receipt of the letter in the course of follow-up calls. Tribal representatives from four tribes – including the Gabrielino Band of Mission Indians–Kizh Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino Tongva San Gabriel Band of Mission Indians, and the Juaneño Band of Mission



Indians—Acjachemen Nation – ultimately requested direct government-to-government consultation.

### **Archival Research**

As discussed in Section 3.1, Cultural Resources, archival research for the entire CSULB campus and a 0.5-mile records search buffer surrounding the campus was conducted on March 6, 2019, at the South Central Coastal Information Center (SCCIC) housed at California State University, Fullerton. The archival research indicated that 39 previous cultural resource studies have been conducted within a 0.5-mile (800 meters) of the project site between 1974 and 2011. A summary of all 39 of the previous cultural resource studies can be found in Appendix B of this Supplemental EIR.

### **Cultural Resources Survey**

A pedestrian archaeological field survey was conducted on October 18, 2019, to determine whether any archaeological resources are present in the project site. Because of their potential association with the Puvunga Indian Village Historic District, such resources could potentially also be culturally significant to Native American tribes as well. The field survey covered the entire project area that would be subject to ground-disturbing activities, including that portion of CA-LAN-235 which extends into the project area. No evidence of CA-LAN-235 was observed on the ground surface where the archaeological site overlaps with the project site. A small amount of fragmentary marine shell was observed on the east lawn outside the recorded boundary of CA-LAN-235, but no artifacts were observed. However, the ground surface was obscured by paving, buildings, and lawns, and so, the field survey was deemed inconclusive.

Because the field survey was inconclusive, limited subsurface probes using a combination of shovel test pits and augers, were conducted within the project site between November 5 and November 8, 2019. The intent of the probes was to identify the locations of possibly intact subsurface archaeological deposits within unpaved portions of the project area that were not visible on the surface due to the extensive landscaping. The test probes were set out in a rough grid pattern meant to encompass the entire project area, including but not limited to CA-LAN-235. Locations which were believed least likely to have been previously impacted by either utilities or other construction were deliberately selected to be tested. The test probes were excavated to a depth below which previous investigations indicate the site should have been found, if it were preserved within the project area. A total of 15 such probes were opened within the project area, nine of which were also located within the recorded boundary of CA-LAN-235. All work was conducted in the presence of Edgar Perez, who is a qualified Gabrielino-Tongva Native American monitor under contract with CSULB, as required by mitigation measure 2 in Section 3.7 of the 2008 EIR.

Non-destructive methods of subsurface investigation such as ground-penetrating radar were considered for areas that could not be sampled during the Extended Phase I study because they are built or paved over. However, these methods are limited in their detail and unlikely to yield unambiguous data regarding subsurface features, and would provide no data regarding stratigraphy.

#### **3.4.3.2 Thresholds of Significance**

Based on Appendix G of the CEQA Guidelines, the project would normally have a significant impact on tribal cultural resources if it would:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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,
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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 the Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

### 3.4.3.3 Impact Analysis

**TCR-1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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)?**

**Less than Significant.** As discussed in Section 3.4.1 above, site CA-LAN-235 as it is currently mapped overlaps the western boundary of the project area. Site CA-LAN-235 is a contributor to the Puvunga Indian Village Historic District, which is listed under all four criteria for local significance in the NRHP, and was automatically listed in the CRHR. Additionally, a portion of the Puvunga Indian Village Historic District, located to the west of Earl Warren Drive and known as the 22 acres, is actively used for ceremonies by Native American groups.

As part of the proposed project, pedestrian and vehicular access in the area would be modified within the portion of the project site that overlaps with site CA-LAN-235. The concrete pathways surrounding the existing Hillside Office/Commons building would be removed and replaced to appropriately serve the new buildings. Additionally, construction activities on Earl Warren Drive would require clearing and grubbing, demolition of existing concrete pavement, excavation of up to two feet, grading, and paving. Approximately 0.75 acres on Earl Warren Drive would be disturbed. Limited utility trenching for a reclaimed water line would require excavation of 4 to 6 feet along the northern section of the northbound lanes of Earl Warren Drive for approximately 270 linear feet.

The proposed project would be limited to the portion of the site that is already disturbed and built upon, and will not impact the 22 acres which contribute most strongly to the undeveloped feeling of the site, as contrasted against the urbanized nature of surrounding Long Beach. The unpaved and undeveloped part of CA-LAN-235 would not be paved, built-upon, or otherwise temporarily or permanently modified by the proposed project. Construction activities would be limited to the already-developed portion of CA-LAN-235 as Earl Warren Drive would not be widened.

Ceremonial features that exist at the 22 acres, such as, but not limited to fire pits, ancestor poles, and decorated trees, would not be impacted by implementation of the proposed project. Additionally, at least one lane on Earl Warren Drive would remain open to maintain continuous tribal access to parking Lot G2 and the 22 acres throughout project construction. The tribes' ability to access the property and conduct ceremonies would not be infringed during construction of the proposed project. Following construction, the proposed project would generally serve the same function as the existing Hillside Office/Commons building currently does and all lanes on Earl Warren Drive would be reopened. Therefore, operation of the proposed project would not change the tribes' ability to access the 22 acres, conduct ceremonies at the site, or change the undeveloped feeling of the site.

Site CA-LAN-235 has never been evaluated for NRHP eligibility as an individual property. The analysis discussed in Section 3.1, Cultural Resources, considers the project's potential impacts to the eligibility of the Puvunga Indian Village Historic District through its potential impacts to CA-LAN-235. The analysis concludes that the proposed project is not anticipated to impact the eligibility of site CA-LAN-235 or the Puvunga Indian Village Historic District, under any of the four CRHR or NRHP criteria, nor is it anticipated to have a lasting impact on the district's historic integrity.

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 and listed in the California Register of Historical Resources, and impacts would be less than significant.

**TCR-2: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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 the Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**Less than Significant with Mitigation.** As discussed in TCR-1, the western boundary of the project site overlaps a portion of the CA-LAN-235 site, which is a contributor to the Puvunga Indian Village Historic District. A portion of the Puvunga Indian Village Historic District to the west of Earl Warren Drive, known as the 22 acres, is actively used for ceremonies by Native American groups.

The Puvunga site is often associated by today's Juaneño with the place of creation and the scene of important activities by several culture heroes or gods. If CA-LAN-235 is a part of the Puvunga, then it remains an important location in the development of Gabrielino, Juaneño, Luiseño, and Kumeyaay religion. Whether or not CA-LAN-235 is the historic village of Puvungna is disputed, both among archaeologists and within the Native American community. But regardless of whether the site of the ethnohistoric Puvunga, the 22-acre undeveloped portion west of Earl Warren Drive site has become important to the development of Gabrielino and Juaneño religion over the past approximately 48 years since human remains were discovered on the property in 1972, and particularly in the 40 years since those remains were reinterred within the boundaries of CA-LAN-235. The Puvunga site became a focus for Native American religion during the renaissance of Native American political and cultural life in the 1970s. The location was the site of further cultural change and innovation in 1995 with the introduction of the Ancestor Walk, a new religious ritual but one that is rooted in veneration of the ancestors. Finally, the site is

important in the introduction of the Native American ritual of the Bear Dance from northern California to the Los Angeles area.

CA-LAN-235 is primarily unpaved and undeveloped, except for parking lot G2 and a portion of Earl Warren Drive. As discussed in Section 3.1, Cultural Resources, it is believed that any archaeological deposits that may have existed in the project area were destroyed by the construction of Earl Warren Drive and Hillside College in 1969 to 1970, and their subsequent maintenance. Moreover, it is unclear if an intact archaeological site ever existed within the project area. It is likely that any artifacts and shell were deposited within the project area by historic and contemporary construction and landscaping activities and therefore lack scientific value, although they may retain value for descendant Native American communities. Because no intact archaeological deposits were encountered during the archaeological probing conducted for the proposed project that overlaps CA-LAN-235, it is anticipated that no intact deposits exist within the project area.

The unpaved and undeveloped part of CA-LAN-235 would not be paved, built-upon, or otherwise temporarily or permanently modified by the proposed project. Construction would be limited to the already-developed portion of the site as Earl Warren Drive would not be widened. Any soils excavated during project construction would be stockpiled in the designated staging and laydown areas shown in Figure 2-9 in Chapter 2, Project Description. Ceremonial features that exist at the site, such as, but not limited to, fire pits, ancestor poles, and decorated trees, would not be impacted. Additionally, the tribes' ability to access the property and conduct ceremonies likewise would not be infringed by the project during construction or operation.

As required by AB 52, CSULB contacted representatives of five tribes with a letter invitation for consultation mailed on October 15, 2019. Additionally, a letter was sent on October 22, 2019, to one Juaneño tribe that had notified CSULB that it had an interest in the project area. To date, four of the tribes have requested further consultation under AB 52. Through the course of consultation, tribes have requested Native American monitoring and discussed the potential for the project to discover buried resources. No additional tribal cultural resources have been identified as of the writing of this Supplemental EIR.

As discussed in TCR-1, the proposed project would result in a less than significant impact to the Puvunga Indian Village Historic District. Nonetheless, due to the proximity of the project site to the 22 acres, and through government-to-government consultation with tribal representative pursuant to AB 52, impacts related to the 22 acres could be potentially significant. Mitigation Measure TCR-1 is proposed to lessen potential impacts related to potential buried resources through preparation of the CRMDP. Implementation of Mitigation Measure TCR-1, in addition to adherence to Mitigation Measures CR-1 through CR-5, CR-8 and CR-9, provided in Section 3.1, Cultural Resources, of this Draft Supplemental EIR would ensure that impacts related to causing a substantial adverse change in the significance of a tribal cultural resource of a California Native American tribe would be less than significant.

#### **3.4.4 Mitigation Measures**

Mitigation Measures CR-1 through CR-5, provided in Section 3.1, Cultural Resources, of this Draft Supplemental EIR and required by the 2008 EIR, are also applicable to tribal cultural resources to reduce potential impacts to such resources. These measures reproduce mitigation measures set forth in the 2008 EIR, with some modification. They require monitoring of all project-related earth-moving construction activity by a professional archaeologist and Native American monitor; define procedures to be followed when informing the construction crew of protocols to

be followed in the event of the discovery of unanticipated cultural resources; outline protocols for construction work stoppage in the event of such discovery; define data recovery and curation procedures in the event of discovery; and define the procedures to be followed in the event of the discovery of human remains.

In addition, Mitigation Measure CR-8, provided in Section 3.1, Cultural Resources, of this Draft Supplemental EIR, is applicable to potential project impacts on tribal cultural resources as well as archaeological resources, and is therefore required to reduce potential impacts to tribal cultural resources.

Mitigation Measure CR-9 requires archaeological monitoring of project-related ground-disturbing activities in all areas with the potential to contain significant cultural deposits by an archaeological monitor working under the guidance of a professionally qualified archaeologist, and by a Native American monitor representing the tribe or tribes traditionally and culturally affiliated with the geographic area of the proposed project. The mitigation measure defines “ground-disturbing activities” and sets forth requirements and recommendations for monitoring and documentation in the event resources are encountered. Refer to Section 3.1 for the full mitigation measure.

Finally, Mitigation Measure TCR-1, below, is also required to reduce potential impacts to tribal cultural resources.

**TCR-1:** In order to identify and treat tribal cultural resources inadvertently uncovered during the course of construction-related excavations, a project-specific CRMDP shall be developed. The monitoring plan will identify what activities require archaeological and Native American monitoring, describe monitoring procedures, and outline the protocol to be followed in the event of a find. Criteria thresholds will be outlined, and triggers identified for when further consultation is required for the treatment of a find. Key staff and tribal contacts will be identified, and the process of notification and consultation will be specified within the CRMDP. A plan for the final disposition of artifacts will also be outlined within the CRMDP.

### **3.4.5 Level of Significance after Mitigation**

Implementation of Mitigation Measures CR-1 through CR-5 from the 2008 EIR, and project-specific Mitigation Measures CR-8, CR-9, and TCR-1 would ensure that impacts to tribal cultural resources would be less than significant.

### **3.4.6 Cumulative Impacts**

Table 2-2 in Chapter 2, Project Description, of this Supplemental EIR, includes all the approved or proposed development projects that would occur within the proposed project construction timeframe and located on the CSULB campus or within a one-mile radius of the campus. As discussed above, CA-LAN-235 overlaps the western boundary of the project area. The site is a contributor to the Puvunga Indian Village Historic District, which is listed in the NRHP. A portion of the Puvunga Indian Village Historic District, which is listed in the NRHP and located to the west of Earl Warren Drive, is actively used for ceremonies by Native American groups. As discussed above in Section 3.4.3.3, Impact Analysis, the proposed project would not impact that particular part of the district.

As part of the proposed project, pedestrian and vehicular access in the area would be modified within the portion of the project site that overlaps with site CA-LAN-235. The proposed project

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activities on Earl Warren Drive would occur within the existing road right-of-way and would not extend into the active portion of the tribal cultural resource site. Additionally, the archaeological probing for this project did not indicate that archaeological deposits exist within that portion of the site that overlaps the project area as no intact cultural deposits were identified. Nonetheless, the proposed project would require archaeological and Native American monitoring during ground-disturbing activities.

The related projects on the CSULB campus listed in Table 2-2 would not overlap with the Puvunga Indian Village Historic District. As discussed above, the proposed project would result in less than significant impacts to tribal cultural resources with the implementation of mitigation measures. These mitigation measures would ensure that the proposed project's impact 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.