

to be eligible for the National Register, a resource must both: (1)

Integrity LVHYDOXDWHGEZHLJKLQJDOOVHYHQRIWKHVHDSHFVWRJHWKHUHQGLVXOWLPDWHQ
QRGHWHUPLQDWIRQ is, a resource either retains sufficient integrity, or it does not.¹⁷ Some
aspects of integrity may be weighed more heavily than others depending on the type of resource
EHLQJHYDOXDWHGDQGWKHUHDVVRQVIRUWKHUHVXRUFHVLJQLILFDQFH6LQFHLQWHJULWGHSH
UHVXRUFHVSODFHPHQWZLWKLQDKLVWRULFFRQWH[WLQWHJULWFDQEHDVVHVHGRQODIWHU
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

- x 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.
- x 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.
- x PRC Section 21080.3.2 identifies potential topics for consultation, including the significance of tribal cultural resources, the significance of 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.
- x 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.
- x PRC Section 21083.09 revises Appendix G of the CEQA Guidelines to include consideration of tribal cultural resources.
- x 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.
- x 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 21084.2 declares that a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant impact on the environment.

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 have a significant impact on the environment.

¹⁸ 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 the following, for purposes of CEQA compliance:

adopted measures to mitigate or avoid significant adverse changes are fully enforceable through SHUPLWFRQGLWLRQVDJUHPHQWVRURWKHUPHDVXUHVGHHPHGSUXGHQWDQGIHDVLEOH´

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:

- x 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;
- x Criteria 2 (persons): associated with the lives of persons important to local, California, or national history;
- x 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;
- x 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 VXIILFLHQWLQWHJULWWREHHOLJLEOHIRUOLVWLQJ\$UHVRXUFHVLQWHJULWLVDVVHVHGXVLQJW 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 integ9976 cm 0 0 612 792 4(eso)3(ur800B66<0(eR6R59cm

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

- x 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,
- x 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 4(u)13(r)-3(be)3(d)8(an)r.1

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 acre VWKURXJKRXWSURMHFWFRQVWUXFWLRQ7KHWULEHV 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 WKH WULEHV DELOLWWR DFFHVAWK

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. 7KHVHPLWLJDWLRQPHDVXUHVZRXOGHQVXUHWKDWWKHSURSRVHGSRJMLHWYIP SDFW 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.