

4.16 Tribal Cultural Resources

This section analyzes potential impacts related to tribal cultural resources from the implementation of the proposed 2021 LRDP. The analysis in this section has been prepared in accordance with CEQA Guidelines Section 15064.5 and considers potential impacts to Tribal Cultural Resources (TCR). This section includes a summary of TCR background information and a summary of consultation conducted by UCR with Native American groups as part of the AB 52 tribal consultation process. Potential impacts to archaeological and historical resources are addressed in Section 4.5, *Cultural Resources* and potential impacts to paleontological resources are addressed in Section 4.7, *Geology and Soils*.

4.16.1 Environmental Setting

The UCR campus lies in an area traditionally occupied by the Cahuilla, Gabrieleño/Tongva, Luiseño, and Serrano. These groups are discussed in further detail below.

Cahuilla

Traditional Cahuilla ethnographic territory extended west to east from the present-day City of Riverside (City) to the central portion of the Salton Sea in the Colorado Desert, and south to north from the San Jacinto Valley to the San Bernardino Mountains. The Cahuilla are speakers of a Cupan language. Cupan languages are part of the Takic linguistic subfamily of the Uto-Aztecan language family. Prior to European contact, Cahuilla social organization was hierarchical and contained three primary levels (Bean 1978: 580). The highest level was the cultural nationality, encompassing everyone speaking a common language. The next level included the two patrimoieties of the Wildcats (tuktum) and the Coyotes ('istam). Every clan of the Cahuilla was in one or the other of these moieties. The lowest level consisted of the numerous political-ritual-corporate units called sibs, or a patrilineal clan (Bean 1978: 580).

Cahuilla villages were usually located in canyons or on alluvial fans near a source of accessible water. Each lineage group maintained their own houses (kish) and granaries and constructed ramadas for work and cooking. Sweathouses and song houses (for non-religious music) were also often present. Each community also had a separate house for the lineage or clan leader. A ceremonial house, or *kíšámnawet*, associated with the clan leader, held major religious ceremonies. Houses and ancillary structures were often spaced apart, and a "village" could extend over a mile or 2. Each lineage had ownership rights to various resource collecting locations, "including food collecting, hunting, and other areas. Individuals also owned specific areas or resources, e.g., plant foods, hunting areas, mineral collecting places, or sacred spots used only by shamans, healers and the like" (Bean 1990:2).

Foodstuffs were processed using a variety of tools, including portable stone mortars, bedrock mortars and pestles, basket hopper mortars, manos and metates, bedrock grinding slicks, hammerstones and anvils, and many others. Food was consumed from a number of woven and carved wood vessels and pottery vessels. The ground meal and unprocessed hard seeds were stored in large finely woven baskets, and the unprocessed mesquite beans were stored in large granaries woven of willow branches and raised off the ground on platforms to deter vermin. Pottery vessels were made by the Cahuilla and traded from the Yuman-speaking groups across the Colorado River and to the south.

The Cahuilla had adopted limited agricultural practices by the time Euro-Americans traveled into their territory. Bean has suggested that their “proto-agricultural techniques and a marginal agriculture” consisting of beans, squash, and corn may have been adopted from the Colorado River groups to the east (Bean 1978: 578). Certainly, by the time of the first Romero Expedition in 1823-24, they were observed growing corn, pumpkins, and beans in small gardens localized around springs in the thermal area of the Coachella Valley (Bean and Mason 1962: 104). The introduction of European plants such as barley and other grain crops suggest an interaction with the missions or local Mexican rancheros. Despite the increasing use and diversity of crops, no evidence indicates that this small-scale agriculture was anything more than a supplement to Cahuilla subsistence, and it apparently did not alter social organization.

Gabrieleño/Tongva

The name “Gabrieleño” denotes those people who were administered by the Spanish from the San Gabriel Mission, which included people from the Gabrieleño area proper, as well as other social groups (Bean and Smith 1978: 538; Kroeber 1925: Plate 57). Many contemporary Gabrieleño identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and use the native term Tongva (King 1994). This term is used in the remainder of this section to refer to the pre-contact inhabitants of the Los Angeles Basin and their descendants.

Tongva lands encompassed the greater Los Angeles Basin and three Channel Islands—San Clemente, San Nicolas, and Santa Catalina. The Tongva established large, permanent villages in the fertile lowlands along rivers and streams, specifically the Santa Ana River area. A total tribal population has been estimated of at least 5,000 (Bean and Smith 1978: 540), but recent ethnohistoric work suggests a number approaching 10,000 (O’Neil 2002). Houses constructed by the Tongva were large, circular, domed structures made of willow poles thatched with tule that could hold up to 50 people (Bean and Smith 1978). Other structures served as sweathouses, menstrual huts, ceremonial enclosures, and probably communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Tongva villages (McCawley 1996: 27). Archaeological sites composed of villages with various-sized structures have been identified.

The Tongva subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like that of most native Californians, acorns were the staple food (an established industry by the time of the early Intermediate Period). Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed (Bean and Smith 1978: 546; Kroeber 1925: 631–632; McCawley 1996: 119–123, 128–131).

A wide variety of tools and implements were used by the Tongva to gather and collect food resources. These included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Groups residing near the ocean used oceangoing plank canoes and tule balsa canoes for fishing, travel, and trade between the mainland and the Channel Islands (McCawley 1996: 7). Tongva people processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels (Kroeber 1925: 629, McCawley 1996: 129–138).

Luiseno

The Luiseno occupied territory along the coast between Aliso Creek and Agua Hedionda Creek that extended inland to Santiago Peak in the north and the east side of Palomar Mountain in the south, including Lake Elsinore and the Valley of San Jose (Bean and Shipek 1978). The population of the Luiseno prior to the arrival of Europeans is believed to be approximately 3,500 (O'Neil 2002). The term Luiseno was applied to the Native Americans who were administered by the Spanish from Mission San Luis Rey and later used for the Payomkawichum nation that lived in the area where the mission was founded (Mithun 2001: 539-540).

The Luiseno language belongs to the Cupan group of the Takic subfamily of languages (previously known as Southern California Shoshonean), along with their northern and eastern neighbors, the Gabrielino and Cahuilla (Bean and Shipek 1978). The Takic subfamily is part of the Uto-Aztecan language family, and its origins lie in the Great Basin (Mithun 2001:539). The language of their southern neighbors, the Ipai, is part of the Yuman family of languages, which is related to languages spoken throughout the southwest. Linguistic studies suggest that Takic-speaking immigrants from the Great Basin displaced Hokan speakers sometime after 500 BCE. Unsurprisingly, the Luiseno cultural practices were similar to other speakers of Takic languages, though they did have some things in common with their Ipai neighbors (Bean and Shipek 1978).

Prior to European contact, the Luiseno lived in permanent, politically autonomous villages, ranging in size from 50-400 people, as well as associated seasonal camps. Each village controlled a larger resource territory and maintained ties to other villages through trade and social networks. Trespassing in another village's resource area was cause for war (Bean and Shipek 1978). Villages consisted of dome-shaped dwellings (*kish*), sweat lodges, and a ceremonial enclosure (*vamkech*). Leadership in the villages focused on the chief, or *Nota*, and a council of elders or *puuplem*. The chief controlled religious, economic, and war-related activities. Chiefs of a religious party would lead their own patrilineal clan along with other, chiefless clans and individuals broken from other clans (Kroeber 1925; Bean and Shipek 1978).

The center of the Luiseno religion was *Chinigchinich*, the last of a series of heroic mythological figures. The heroes were originally from the stars and the sagas told of them formed Luiseno religious beliefs. Religious rituals took place in a brush enclosure that housed a representation of *Chinigchinich*. Ritual ceremonies included puberty initiation rites, burial and cremation ceremonies, hunting rituals, and peace rituals (Kroeber 1925; Bean and Shipek 1978). Puberty ceremonies for both girls and boys would include painting pictographs and petroglyphs (DuBois and Kroeber 1908:96), now categorized as the San Luis Rey style or "Luiseno Rectilinear Abstract" characterized by zigzags, chevrons, straight lines, and diamond chains (Hedges 2002).

Luiseno subsistence was focused on the acorn and supplemented by the gathering of other plant resources and shellfish, fishing, and hunting. Plant foods typically included pine nuts, seeds from various grasses, manzanita, sunflower, sage, chia, lemonade berry, prickly pear, and lamb's-quarter. Acorns were leached and served in various ways. Seeds were ground. Prey included deer, antelope, rabbit, quail, duck, and other birds. Fish were caught in rivers and creeks. Fish and sea mammals were taken from the shore or dugout canoes. Shellfish were collected from the shore and included abalone, turban, mussels, clams, scallops, and other species (Bean and Shipek 1978).

Serrano

The Serrano occupied an area in and around the San Bernardino Mountains between approximately 1,500-11,000 feet above mean sea level. Their territory extended west of the Cajon Pass, east past

Twentynine Palms, north of Victorville, and south to Yucaipa Valley. The Serrano language is part of the Serran division of a branch of the Takic family of the Uto-Aztecan linguistic stock (Mithun 2001:539, 543). The two Serran languages, Kitanemuk and Serrano, are closely related. Kitanemuk lands were northwest of Serrano lands. Serrano was spoken originally by a relatively small group located in the San Bernardino and Sierra Madre mountains, and the term “Serrano” has come to be ethnically defined as the name of the people in the San Bernardino Mountains (Kroeber 1925:611). The Vanyume, who lived along the Mojave River and associated Mojave Desert areas and are also referred to as the Desert Serrano, spoke either a dialect of Serrano or a closely-related language (Mithun 2001:543). Year-round habitation tended to be located on the desert floor, at the base of the mountains, and up into the foothills, with all habitation areas requiring year-round water sources (Bean and Smith 1978).

Most Serrano lived in small villages located near water sources (Bean and Smith 1978:571). Houses measuring 12 to 14 feet in diameter were domed and constructed of willow branches and tule thatching and were occupied by a single extended family. Many of the villages had a ceremonial house, used both as a religious center and the residence of the lineage leaders. Additional structures in a village might include granaries and a large circular subterranean sweathouse. The sweathouses were typically built along streams or pools. A village was usually composed of at least two lineages. The Serrano were organized loosely along patrilineal lines and associated themselves with one of two exogamous moieties or “clans”—the *Wahiyam* (coyote) or the *Tukum* (wildcat) moiety.

The subsistence economy of the Serrano was one of hunting and collecting plant goods, with occasional fishing (Bean and Smith 1978:571). They hunted large and small animals, including mountain sheep, deer, antelope, rabbit, small rodents, and various birds, particularly quail. Plant staples consisted of seeds acorn nuts of the black oak, piñon nuts, bulbs and tubers, shoots, blooms, and roots of various plants, including yucca, berries, barrel cacti, and mesquite. The Serrano used fire as a management tool to increase yields of specific plants, particularly chía.

Trade and exchange was an important aspect of the Serrano economy. Those living in the lower-elevation, desert floor villages traded foodstuffs with people living in the foothill villages who had access to a different variety of edible resources. In addition to inter-village trade, ritualized communal food procurement events, such as rabbit and deer hunts and piñon, acorn, and mesquite nut-gathering events, integrated the economy and helped distribute resources that were available in different ecozones.

Contact between Serrano and Europeans was relatively minimal prior to the early 1800s. As early as 1790, however, Serrano began to be drawn into mission life (Bean and Vane 2002). More Serrano were relocated to Mission San Gabriel in 1811 after a failed indigenous attack on that mission. Most of the remaining western Serrano were moved to an *asistencia* built near Redlands in 1819 (Bean and Smith 1978:573).

A smallpox epidemic in the 1860s killed many indigenous southern Californians, including many Serrano (Bean and Vane 2002). Oral history accounts of a massacre in the 1860s at Twentynine Palms may have been part of a larger American military campaign that lasted 32 days (Bean and Vane 2002:10). Surviving Serrano sought shelter at Morongo with their Cahuilla neighbors; Morongo later became a reservation (Bean and Vane 2002). Other survivors followed the Serrano leader, Santos Manuel, down from the mountains and toward the valley floors and eventually settled what later became the San Manuel Band of Mission Indians Reservation, formally established in 1891.

Both the San Manuel Band of Mission Indians and the Morongo Band of Mission Indians are federally recognized tribes and include Serrano. People of both tribes participate in cultural programs to revitalize traditional languages, knowledge, and practices.

Existing Tribal Cultural Resources and Sensitivity

Psomas conducted a pedestrian field survey of the UCR campus on December 7, 2018 and December 11, 2018. The survey was conducted by walking open spaces and outcrops throughout the main campus, the UCR Botanic Gardens, West Campus agricultural fields, and the south campus hillside. Ground visibility ranged from 25 to 75 percent depending on location. Psomas identified and considered 17 previously conducted cultural resources studies that contained portions of the UCR campus and five previously recorded cultural resources on the UCR campus. Of the resources recorded on the UCR campus, three were prehistoric bedrock milling sites and two were built environment resources, the Gage Canal and the Barn Group. None of the previously recorded prehistoric resources were relocated during the 2018 survey, and no new resources were identified; however, physical indicators of human occupation and use could be disguised by the natural weathering of the granitic outcrops and the historical use and development that has occurred on the UCR campus (Psomas 2019).

Psomas concluded their study with an assessment of overall sensitivity of the LRDP area and indicated the southeastern portion of the LRDP area, is considered to have a high sensitivity for encountering unknown tribal cultural resources.

4.16.2 Regulatory Setting

Federal

No existing federal laws or regulations pertain to TCR within the proposed 2021 LRDP.

State

Assembly Bill 52

As of July 1, 2015, California AB 52 of 2014 was enacted and expanded CEQA by defining a new resource category, “tribal cultural resources (TCR).” AB 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment” (PRC Section 21084.2). The bill further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of TCR, when feasible (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines TCR as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and meets either of the following criteria:

- 1) 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
- 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. AB 52 requires that lead agencies “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed in the jurisdiction of the lead agency.

Assembly Bill 275

AB 275 was designed to strengthen the California Native American Graves Protection and Repatriation Act of 2001 by revising various definitions including, among others, “the definition of ‘California Indian tribe’ to include both a tribe that meets the federal definition of Indian tribe and a tribe that is not recognized by the federal government, but that is a native tribe located in California that is on the list maintained by the Native American Heritage Commission,” as well as the “definition of ‘museum’ to specify it receives state funds.” AB 275 requires every state agency, as defined, with significant interaction with tribal issues, peoples, or lands, and request the Regents of the University of California, to designate one or more liaisons for the purpose of engaging in consultation with California Native American tribes on the tribal contact list and educating the agency on topics relevant to the state’s relationship with those tribes. AB 275 also revises and recasts the process by which a direct lineal descendent or a California Indian tribe can request the return of human remains or cultural items.

University of California

UC’s Native American Cultural Affiliation and Repatriation Policy

The UC is currently working on revising its Native American Cultural Affiliation and Repatriation Policy to incorporate new California Native American Graves Protection and Repatriation Act (CalNAGPRA) requirements as specified in AB 275. Key changes include:

- Definitions have been added or revised where needed to align with CalNAGPRA.
- As required by CalNAGPRA, deference to tribal traditional knowledge, oral histories, documentation, and testimonies is now indicated when determining State cultural affiliation, identifying cultural items under CalNAGPRA, and making decisions related to the CalNAGPRA repatriation process.
- In consultation with California Native American tribes, campuses must prepare preliminary inventories/summaries for submission to the NAHC.
- The AB 275 dispute procedures have been added.
- The AB 275 procedures for submissions of claims under CalNAGPRA have been incorporated.
- Updated flowcharts and corresponding narratives.

Regional and Local (Non-Binding)

As noted in Section 4, “University of California Autonomy,” UCR, a constitutionally-created State entity, is not subject to municipal regulations of surrounding local governments for uses on property owned or controlled by UCR that are in furtherance of the university’s educational purposes.

City of Riverside General Plan

The City's General Plan contains the following policy that are relevant to the evaluation of impacts to cultural resources under the proposed 2021 LRDP:

Policy LU-4.6: Ensure protection of prehistoric resources through consultations with the Native American tribe(s) identified by the Native American Heritage Commission pursuant to Government Code Section 65352.3 and as required by the California Environmental Quality Act.

4.16.3 Environmental Impacts and Mitigation Measures

Significance Criteria

UCR utilizes the following 2020 CEQA Guidelines Appendix G significance criteria questions related to TCR.

Would the proposed 2021 LRDP:

- a) 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:
 - i. 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)?
 - ii. 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 section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Issues Not Evaluated Further

Criterion a)i noted above is addressed in Section 4.5, *Cultural Resources* and therefore not addressed in this section.

Analysis Methodology

PRC Section 21074 defines TCR as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe" that are listed or determined eligible for CRHR listing, listed in a local register of historical resources, or otherwise determined by the lead agency to be a TCR. Impacts related to TCR were evaluated using the methodology outlined in Section 4.5, *Cultural Resources*, based in part on the Cultural Resource Constraints Study prepared for the proposed 2021 LRDP by Psomas in 2019, included in Appendix E and through the AB 52 tribal consultation process (see Appendix K).

To date, UCR has received six general requests for project notification pursuant to AB 52 (from the Agua Caliente Band of Cahuilla Indians (ACBCI), Torres-Martinez Desert Cahuilla Indians, Cahuilla Band of Indians, Pechanga Band of Luiseño Indians, San Manuel Band of Mission Indians, and Rincon Band of Luiseño Indians). In May 2020, UCR provided these tribes with notification of the proposed 2021 LRDP. A discussion of the AB 52 consultation process is provided below.

Agua Caliente Band of Cahuilla Indians

On June 26, 2020, the ACBCI responded, noting that the LRDP area is not located within the boundaries of the ACBCI Reservation but within the ACBCI's Traditional Use Area, and therefore, the ACBCI requested formal government-to-government consultation, a copy of the records search, cultural resources inventory, copies of any cultural resource documentation, and the presence of an approved Agua Caliente Native American Cultural Resource Monitor.

On July 27, 2020, UCR emailed the ACBCI to schedule consultation with the Tribe and provided a brief overview of the LRDP, information for the EIR Scoping Meeting, and provided a copy of the Cultural Resources Constraints Study that was prepared for the proposed 2021 LRDP that included information pertaining to the records search.

On October 23, 2020, the ACBCI provided a letter commenting on the Initial Study, which included continued AB 52 consultation, concurring a potentially significant impact determination in the Initial Study related to historic resources and archaeological resources but disagreed on the less-than-significant impact determination related to human remains. The ACBCI noted project-level mitigation should incorporate the presence of a tribal monitor for earth-disturbing activities.

On April 2, 2021, UCR emailed the ACBCI with the draft proposed mitigation measures for cultural resources/TCR for the Tribe's review and feedback and responded to the Tribe's comment on the significance determination related to human remains, noting that the university would comply with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097.98, such that if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and UCR shall notify the Riverside County Coroner and the NAHC immediately. A copy of the AB 52 notice and Cultural Resources Constraints Study was attached again for the Tribe's reference. UCR requested a response on the draft mitigation measures and/or whether the Tribe would like to schedule a Zoom meeting to discuss by April 16, 2021 and has yet to hear back from the Tribe.

Cahuilla Band of Indians

On May 19, 2020, the Cahuilla Band of Indians responded, noting that the LRDP area is within the Cahuilla traditional land use area and therefore requested tribal monitors from the Cahuilla Band of Indians to be present during all ground-disturbing activities and requested to be notified of all updates with campus projects moving forward.

On April 2, 2021, UCR followed up with the Cahuilla Band of Indians via email asking whether the Tribe would like to consult on the proposed 2021 LRDP AB 52 consultation process and noted that if UCR does not hear back from the Tribe by April 9, 2021, UCR would assume that the Tribe does not wish to consult. To date, the Cahuilla Band of Indians has not responded. The Tribe is included in the CEQA distribution list.

Pechanga Band of Luiseño Indians

On May 27, 2020, the Pechanga Band of Luiseño Indians responded requesting AB 52 consultation, to be included in the distribution list for public notices and circulation of all documents, and to be notified of public hearings and approvals. The Pechanga Band of Luiseño Indians notes that the LRDP area is part of 'Ataaxum (Luiseño) and therefore within the Tribe's aboriginal territory as evidenced by the existence of cultural resources, named places, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive 'Ataaxum artifact record in the vicinity of the LRDP area. As such, the Pechanga Band of Luiseño Indians notes that the LRDP area is located within a Traditional Cultural

Property. The Pechanga Band of Luiseño Indians requests that no Phase II Testing or other ground-disturbing archaeological activities be conducted on the site until after the Tribe and UCR has consulted about TCR during the government-to-government consultation process. The Pechanga Band of Luiseño Indians also requested to review site plans, grading plans, and cultural and geotechnical reports. UCR responded to the Pechanga Band of Luiseño Indians, noting that no specific campus project is proposed at this time as the university is proposing an LRDP that is a long-term plan and therefore no specific site plans/grading plans have been prepared at this time. UCR provided the Pechanga Band of Luiseño Indians with the AB 52 notice again that provided a brief summary of the proposed land uses, campus population projection, and proposed development square footage through 2035 and noted that future campus projects would undergo specific CEQA analysis, at which point the Tribe would be provided with relevant plans and studies as part of the AB 52 process. UCR provided the Pechanga Band of Luiseño Indians with a copy of the Cultural Resources Constraints Study that was prepared for the proposed 2021 LRDP for the Tribe's reference.

On July 8, 2020, AB 52 consultation took place with the Tribe via Zoom to discuss potential cultural resources and that resources should be preserved and protected.

On April 2, 2021, UCR emailed the Pechanga Band of Luiseño Indians with the draft proposed mitigation measures for cultural resources/TCR for the Tribe's review and feedback. A copy of the AB 52 notice and Cultural Resources Constraints Study was attached again for the Tribe's reference. UCR requested a response back on the draft mitigation measures by April 16, 2021 and has yet to hear back from the Tribe. UCR noted that if the university does not hear back from the Tribe by the requested date, UCR would assume consultation has concluded. To date, the Pechanga Band of Luiseño Indians has not responded. The Tribe is included in the CEQA distribution list.

Rincon Band of Luiseño Indians

On June 23, 2020, UCR provided clarification to the Rincon Band of Luiseño Indians, noting that there were no specific projects, site plans, grading plans prepared for the proposed 2021 LRDP. The AB 52 notice with a brief summary of the proposed land uses, campus population projection, and proposed development square footage through 2035 was provided again. UCR also noted that future campus projects would undergo specific CEQA analysis, at which point the Tribe would be provided with relevant plans and studies as part of the AB 52 process. UCR provided the Rincon Band of Luiseño Indians with a copy of the Cultural Resources Constraints Study that was prepared for the proposed 2021 LRDP for the Tribe's reference.

A Zoom call with the Rincon Band of Luiseño Indians took place on June 26, 2020 to review the proposed 2021 LRDP, and the Tribe requested to review the proposed cultural resources/TCR mitigation measures when they were drafted, as well as the Confidential Appendix to the Cultural Resources Constraints Study.

On April 2, 2021, UCR emailed the Rincon Band of Luiseño Indians with the draft proposed mitigation measures for cultural resources/TCR for the Tribe's review and feedback. A copy of the AB 52 notice and Cultural Resources Constraints Study along with the Confidential appendix was provided at the Tribe's request. On April 23, 2021, the Rincon Band of Luiseño Indians responded requesting that the mitigation measure include archaeological and tribal monitoring for ground disturbing activities in the southeastern portion of the planning area based on the LRDP Cultural Resource Constraints Study noting the southeastern portion of the LRDP containing Val Verde Pluton geological features having high cultural sensitivity. On June 24, 2021, UCR sent an email to the Tribe noting that MM CUL-2 has been clarified noting where development occurs in the

southeastern quadrant of campus and in areas containing Val Verde Pluton geologic features considered highly sensitive to prehistoric archaeological resources, UCR shall hire a qualified archaeologist and a Native American monitor to reduce impacts to potential archaeological and/or TCR. UCR requested a response back on the updated draft mitigation measure by June 30, 2021 otherwise would assume the clarified MM CUL-2 addresses the Tribe's comment and thus would assume consultation has concluded. On June 29, 2021, the Rincon Band of Luiseño Indians responded in an email agreeing to the mitigation measures as outline below.

San Manuel Band of Mission Indians

On June 17, 2020, the San Manuel Band of Mission Indians responded, noting that the West Campus is outside of the Serrano ancestral territory; however, the East Campus area exists within the Serrano ancestral territory and therefore is of interest to the Tribe. The San Manuel Band of Mission Indians noted that given the amount of existing disturbance within the East Campus, the Tribe does not have any concerns with implementation of the LRDP as proposed at this time; however, the Tribe provided suggested proposed mitigation measures related to discovery of cultural resources, human remains, and TCR and requested that a variation of the proposed language be incorporated.

On April 2, 2021, UCR emailed the San Manuel Band of Mission Indians with the draft proposed mitigation measures for cultural resources/TCR for the Tribe's review and feedback. In regards to the San Manuel Band of Mission Indians suggested mitigation measures pertaining to human remains, UCR noted that the university would comply with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097, such that if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately and UCR shall notify the Riverside County Coroner and the NAHC immediately. A copy of the Cultural Resources Constraints Study was provided for the Tribe's reference.

On April 7, 2021, the San Manuel Band of Mission Indians responded and provided information regarding unanticipated discovery of human remains. A discussion related to human remains is provided under Impact CUL-3 in Section 4.5, *Cultural Resources*.

Torres-Martinez Desert Cahuilla Indians

On April 2, 2021, a follow-up email was sent to the Torres-Martinez Desert Cahuilla Indians, noting that the university has not heard from the Tribe on whether the Tribe would like to consult and attached the AB 52 notice for the Tribe's reference. UCR noted that if UCR does not hear back from the Tribe by April 9, 2021, UCR would assume that the Tribe does not wish to consult. To date, the Torres-Martinez Desert Cahuilla Indians has not responded.

2021 LRDP Objectives and Policies

The proposed 2021 LRDP contains objectives and policies relevant to TCR:

Open Space (OS)

- Objective OS5: Demonstrate an increased commitment to preservation and enhancement of the natural environment through the design and placement of future campus landscapes.
 - Policy: Protect the steep and natural hillsides on the southeast campus designated as an Open Space Reserve, to protect cultural resources and wildlife habitat, provide a visual backdrop to the campus, and protect against erosion.

Impact Analysis

Impact TCR-1 SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF TRIBAL CULTURAL RESOURCES.

DEVELOPMENT FACILITATED BY THE PROPOSED 2021 LRDP HAS THE POTENTIAL TO IMPACT TRIBAL CULTURAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Psomas conducted a pedestrian field survey of the UCR campus on December 7, 2018 and December 11, 2018. The survey was conducted by walking open spaces and outcrops throughout the main campus, the UCR Botanic Gardens, West Campus agricultural fields, and the south campus hillside. Ground visibility ranged from 25 to 75 percent depending on location. Psomas identified and considered 17 previously conducted cultural resources studies that contained portions of the UCR campus and five previously recorded cultural resources on the UCR campus. Of the resources recorded on the UCR campus, three were prehistoric bedrock milling sites and two were built environment resources, the Gage Canal and the Barn Group. None of the previously recorded prehistoric resources were relocated during the 2018 survey, and no new resources were identified; however, physical indicators of human occupation and use could be disguised by the natural weathering of the granitic outcrops and the historical use and development that has occurred on the UCR campus (Psomas 2019).

Psomas concluded their study with an assessment of overall sensitivity of the LRDP area and indicated the eastern portion of the LRDP area, especially in the southeast, is considered to have a high sensitivity for encountering cultural resources. The majority of the areas considered to have a high sensitivity for encountering cultural resources are within the proposed 2021 LRDP land use designation of Open Space Reserve or UCR Botanic Gardens.

As described previously, UCR sent notification letters to six tribes (the ACBCI, Torres-Martinez Desert Cahuilla Indians, Cahuilla Band of Indians, Pechanga Band of Luiseño Indians, San Manuel Band of Mission Indians, and Rincon Band of Luiseño Indians) in May 2020 per PRC 21080.3.1(b)(1). The AB 52 correspondence record is summarized above, and letters received are included as Appendix K.

Development under the proposed 2021 LRDP would primarily be infill development or expansion of already developed areas on the north portions of East Campus, which has low tribal cultural sensitivity. More specifically development under the proposed 2021 LRDP would occur primarily in previously disturbed areas, adjacent to previously developed areas, surface parking areas, generally along North/South/East/West Campus Drive, and generally along University Avenue, Canyon Crest Drive, Big Springs Road, Aberdeen Drive, and West Linden Street. A new interpretive center is programmatically assumed in the UCR Botanic Gardens designation on East Campus, which has high tribal cultural resource sensitivity, but no new development is currently anticipated in the Open Space Reserve in East Campus. New development on West Campus would primarily occur within infill sites designated in the proposed 2021 LRDP as Agricultural/Campus Research, Student Neighborhood, Campus Support, and University Avenue Gateway which have been previously primarily been used for agricultural uses and have low tribal cultural sensitivity.

While none of the envisioned development areas are located on sites of known prehistoric archaeological materials or TCR, there remains a potential that unrecorded prehistoric archaeological resources that may meet the definition of a TCR could be unearthed or otherwise discovered during ground-disturbing construction activities, including development in the UCR Botanic Gardens designation. As such, construction of projects under the proposed 2021 LRDP has

the potential to adversely impact TCR. Potential impacts to TCR would be less than significant with implementation of Mitigation Measures **MM CUL-2 through MM CUL-4** noted in Section 4.5, *Cultural Resources* and included below.

Mitigation Measures

CUL-2 Tribal Cultural Resources/Archaeological Monitoring

Prior to commencement of ground disturbing activities into an area with a medium or high potential to encounter undisturbed native soils including Holocene alluvium soils, as determined by UCR, UCR shall hire a qualified archaeological monitor meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) to identify archaeological resources and cultural resources of potential Native American origin. Where development occurs in the southeastern quadrant of campus, and in areas containing Val Verde Pluton geologic features considered highly sensitive to prehistoric archaeological resources, UCR shall hire a qualified archaeologist and a Native American monitor to reduce impacts to potential archaeological and/or tribal cultural resources. The monitor(s) shall be on-site during any construction activities that involve ground disturbance. The on-site monitoring shall end when project-related ground disturbing activities are completed, or, in consultation with the lead agency and tribes as appropriate and based on observed conditions, monitoring may be reduced or eliminated prior to completion of ground-disturbing activities, when the monitor(s) has indicated that the project site has a low potential to encounter tribal cultural resources (TCR)/archaeological resources. Consolidated monitoring efforts (e.g., archaeological monitoring/tribal cultural/paleontological monitoring) may occur if the individual monitor meets the applicable qualifications, except for development in the southeastern quadrant as detailed above.

CUL-3 Construction Worker Training

For projects requiring TCR/archaeological monitoring, the monitor shall provide preconstruction training for all earthmoving construction personnel prior to the start of any ground disturbing activities, regarding how to recognize the types of TCRs and/or archaeological resources that may be encountered and to instruct personnel about actions to be taken in the event of a discovery. UCR Planning, Design & Construction Project Manager/contractor shall retain documentation showing when training of personnel was completed.

CUL-4 Unanticipated Discovery of Tribal Cultural Resources/Archaeological Resources.

If previously undiscovered TCRs and/or archaeological resources are identified during construction, all ground disturbing activities within 100 feet of the resource shall halt, UCR Planning, Design & Construction staff shall be notified, and the find shall be evaluated by a qualified archaeologist meeting the Secretary of the Interior standards to determine whether it is a unique archaeological resource, as defined by CEQA. If the discovery appears to be Native American in origin, a tribal representative will be contacted within 24 hours of discovery to determine whether it is a TCR, as defined by CEQA. If the find is neither a unique archaeological resource nor a TCR, work may resume. If the find is determined to be a unique archaeological resource or TCR, the archaeologist and the tribal representative, as appropriate, shall make recommendations to UCR Planning, Design & Construction staff on the measures that will be implemented, including, but not limited to, preservation in place, excavation, relocation, and further evaluation of the discoveries pursuant to

CEQA. Preservation in place (i.e., avoidance) is the preferred method of mitigation for impacts to TCRs/archaeological resources. If UCR determines that preservation in place is not feasible, the archaeologist shall design and implement a treatment plan, prepare a report, and salvage the material, as appropriate. Any important artifacts recovered during monitoring shall be cleaned, catalogued, and analyzed, with the results presented in a report of findings that meets professional standards. Work on-site may commence upon completion of any fieldwork components of the treatment plan.

Significance After Mitigation

Implementation of Mitigation Measures **MM CUL-2 through MM CUL-4** would reduce potential impacts to tribal cultural resources to **less-than-significant** levels, because mitigation would be developed in coordination with the appropriate federal, State, and/or local agency and tribes to avoid, move, record, or otherwise treat the archaeological resource appropriately, in accordance with pertinent laws and regulations.

4.16.4 Cumulative Impacts

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future project" (*CEQA Guidelines* Section 15065[a][3]). The geographic scope for cumulative TCR impacts for the UCR campus include Cahuilla, Gabrieleño/Tongva, Luiseño, and Serrano territory. This geographic scope is appropriate for TCR, because TCR are regionally specific and determined by the local tribes. Cumulative buildout within the campus, including projects in accordance with various applicable planning documents would have the potential to adversely impact TCR. Cumulative development on the UCR campus would continue to disturb areas with the potential to contain TCR. Given the potential to damage these unknown TCR, cumulative impacts are considered significant without mitigation. Cumulative projects are reviewed separately by the appropriate jurisdiction and undergo environmental review when it is determined that the potential for significant impacts exists. In the event that future cumulative projects would result in impacts to known or unknown TCR, impacts to such resources would be addressed on a case-by-case basis and would likely be subject to mitigation measures similar to those imposed for this proposed 2021 LRDP as a result of the CEQA process. Cumulative impacts to TCR would therefore be significant.

As described under Impact TCR-1, development facilitated by the proposed 2021 LRDP would result in significant impacts without mitigation to unknown TCR, therefore the project's contribution is considered cumulatively considerable without mitigation. Mitigation Measures **MM CUL-2 through MM CUL-4** would reduce impacts to less than significant. Therefore, the project's **contribution to significant cumulative impacts to TCR would be less than significant with mitigation.**

4.16.5 References

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