

4.12 TRIBAL CULTURAL RESOURCES

4.12.1 INTRODUCTION

This section of the Revised Draft EIR evaluates the potential impacts to Tribal Cultural Resources (TCRs) from the implementation of the proposed Student Housing West (SHW) project. TCRs are sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. As detailed later in this section, potential impacts of the proposed project on TCRs are evaluated based on consultation with interested Native American tribes pursuant to Assembly Bill (AB) 52.

With respect to the separate, but related, Porter and Rachel Carson Colleges dining facilities expansion project, neither the CEQA documentation nor AB 52 consultation for that project has been commenced by the Campus at this time. Therefore, this EIR section cannot document the potential impacts on TCRs as a result of that project based on AB 52 consultation. However, this EIR section does explain why significant impacts on TCRs due to the dining facilities expansion project are considered unlikely.

This section is unchanged from the section in the Draft EIR, because the proposed improvements under the revised project would be located on the same two project sites and the off-site utilities would be within the areas that were surveyed and evaluated in the Draft EIR. Furthermore, no comments related to TCRs were received on the Draft EIR.

4.12.2 ENVIRONMENTAL SETTING

Detailed information regarding the prehistoric occupation is presented in the 2005 LRDP EIR and in **Section 4.4, Cultural Resources**, of this EIR. As noted in **Section 4.4**, the earliest confirmed evidence of prehistoric occupation in the Santa Cruz region comes from an archaeological site located 4 miles northeast of the campus in the Santa Cruz Mountains near Scotts Valley. Cartier has postulated that this site may date to approximately 10,000 years before present (BP).

Archaeological evidence indicates that native groups of the region participated in extensive trade networks. They successfully pursued a wide range of subsistence practices including hunting large and small terrestrial and marine animals; fishing and shell fishing; and gathering and processing plant foods. As throughout much of central California, acorns were an important plant food staple. They developed a technological expertise in bow making (after about A.D. 500), basketry, and the creation and use of boats. In addition to the well-known plant and animal foods, important resources available locally included Monterey banded chert, which Native Americans used for the manufacture of chipped stone tools such as arrowheads, scrapers, and awls. The Monterey Bay was also an exceptional source of abalone (*Haliotis*

sp.) and olive snail (*Olivella*) shells, raw material for the manufacture of shell ornaments and beads that Native Americans traded throughout California and much of the West, and which were important wealth items often placed in graves.

The Protohistoric Period (1602 to 1797 A.D.) – the time during which native cultures began to experience nonnative influences – is demarcated by the first contact with Europeans. Sebastián Vizcaíno, a Spanish explorer, landed in the area of Monterey in 1602, and missions were established in the Santa Cruz region beginning in 1770. The Spanish referred to the indigenous population in this region as Costano or "coast people;" historically they have become known as Costanoan. Mission life, nonnative diseases, and cultural disruption took a severe toll on the Costanoan population.

Archaeological testing at several sites on the UC Santa Cruz campus has resulted in recovery of two human burials and nearly 1,300 artifacts. Artifact types and radiocarbon dates suggest occupation of campus land from as early as 5,500 years before present (3550 B.C.) to 200 years before present (1750 A.D.) (UCSC 2006).

4.12.3 REGULATORY CONSIDERATIONS

4.12.3.1 Federal Laws and Regulations

There are no federal laws or regulations related to TCRs.

4.12.3.2 State Laws and Regulations

Assembly Bill (AB) 52

AB 52, which was approved in September 2014 and became effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. A provision of the bill, chaptered in CEQA Section 21084.12, also specifies 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.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

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; or

- 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.

TCRs are further defined under Section 21074 as follows:

- a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe, pursuant to Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

4.12.4 IMPACTS AND MITIGATION MEASURES

4.12.4.1 Significance Criteria

The impacts related to TCRs resulting from the implementation of the proposed SHW project would be considered significant if the proposed project 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 Resource Code Section 5020.1(k); or
 - a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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.

4.12.4.2 CEQA Checklist Items Adequately Analyzed at the 2005 LRDP Level or Not Applicable to the Project

At the time the 2005 LRDP EIR was prepared, CEQA did not require an analysis of impacts to tribal cultural resources due to project implementation.

4.12.4.3 Methodology

Although AB 52 requires the Native American tribes to request notification of projects that involve an EIR or a Mitigated Negative Declaration (MND), the University proactively reached out to the Native American Heritage Commission (NAHC) and requested a list of tribes with traditional lands or cultural places located within the boundaries of each campus. Following the receipt of the list from NAHC, UC Santa Cruz ("Campus") has been notifying the six listed Native American tribes whenever an Initial Study/proposed MND is commenced for a project or when an NOP is issued for an EIR. Following the issuance of the NOP for the proposed project in October 2017, the Campus sent out letters to the tribes on December 4, 2017.

4.12.4.4 2005 LRDP EIR Mitigation Measures Included in the Proposed Project

There are no mitigation measures pertaining to TRCs in the 2005 LRDP EIR that are applicable to the proposed project.

4.12.4.5 Project Impacts and Mitigation Measures

SHW Impact TCR-1: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074. (Potentially Significant; Less than Significant with Mitigation)

As previously noted, the Campus sent out notification letters on December 4, 2017, to the six tribes listed by NAHC for the Santa Cruz campus. According to AB 52, the tribes had 30 days from the receipt of the letter to request consultation with the Campus. On December 12, 2017, Valentin Lopez, representing the Amah Mutsun Tribal Band, responded to the notification letter. The Amah Mutsun Tribal Band requested formal consultation, as the proposed project is within traditional tribal territory. The tribe also requests that a Native American Monitor be present for any ground disturbance within 400 feet of a known archaeological site. No other requests for formal consultation have been received by the Campus from the other five tribes as of the publication of this Draft EIR. Mr. Lopez requested information on the proposed project and a site visit. Campus planning staff met with Mr. Lopez on January 31, 2018 and a site visit of both project sites was completed. Based on the site visit, and information regarding the site conditions,

and proximity of known prehistoric sites, Mr. Lopez provided recommendations regarding mitigation measures to be included in the EIR to avoid impacts on TRCs. Campus planning staff documented the site visit and Mr. Lopez's recommendations in a letter and Mr. Lopez confirmed that the letter accurately reflected the request of the tribe (email communication between Ms. Klaus, UC Santa Cruz and Mr. Lopez dated February 23, 2108). The Campus planning staff further communicated with the NAHC to ensure that the tribal notification process had been conducted appropriately.

The area of disturbance for the SHW project is not known or expected to contain any TRCs. As noted in **Section 3.0, Project Description**, the proposed SHW project would involve the construction of new buildings on the Heller site, however all building construction would be within the footprint of the existing FSH development. The new FSH units and a childcare center would be constructed on the Hagar site. Both sites involve off-site utility improvements that include an emergency wastewater disposal line, storm drains, a water line and a recycled line. As noted in **Section 4.4**, excavation and grading activities at the Heller and Hagar sites and associated off-site utilities are unlikely to affect any known prehistoric or historic-period archaeological resources as none are present within the area of ground disturbance at both sites and the areas of off-site improvements. However, earthmoving activities associated with the proposed project could expose previously undiscovered buried archaeological resources, including human remains, which could be considered TRCs and could be adversely affected by the project construction. The impact would be considered potentially significant.

LRDP Mitigations CULT-1B, -1C and -4B and **SHW Mitigations CULT-2A, -2B and -2C** would be implemented to ensure that should cultural resources be encountered, they would be protected, documented, and preserved, as appropriate. **SHW Mitigations CULT-2B and -2C**, which are presented in **Section 4.4**, are mitigation measures requested by Amah Mutsun Tribal Band, including the requirement that a Native American monitor is provided an opportunity to monitor during ground disturbance within 200 feet of a known prehistoric deposit, and any additional excavation within 200 feet of the margins of a discovered prehistoric deposit, and that another archaeological survey of the Hagar site is conducted once the vegetation on the site has been removed. If human remains are uncovered and are determined to be of Native American origin, the Campus will implement the procedures set forth in LRDP Mitigation CULT-4C for protection of the remains, documentation, and respectful treatment in consultation with a Native American Most Likely Descendant. Therefore, while no TRCs are expected to be affected by the proposed project, these mitigation measures would ensure that any previously unknown TRCs encountered during ground disturbing activities associated with the proposed project would not be adversely affected.

As set forth in **Section 4.12.4.1 Significance Criteria** above, CEQA guidelines also require that a determination be made whether the proposed project would result in an impact on a historic resource as

defined in Public Resource Code Section 5020.1(k) or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. As the analysis under **SHW Impacts CULT-1** and **CULT-2** in **Section 4.4** shows, the proposed project would not result in any impacts on resources that would qualify as a historical resource or a unique cultural resource.

Mitigation Measures:

SHW Mitigation TCR-1: Implement **SHW Mitigation CULT-2A** through **2C**.

Significance after Mitigation: The impact would be reduced to a less than significant level.

4.12.5 PORTER AND RACHEL CARSON DINING FACILITIES EXPANSION PROJECT IMPACTS AND MITIGATION MEASURES

Environmental Setting

The Porter and Rachel Carson dining facilities expansion project would be located adjacent to the existing dining facilities at both colleges. While most of the improvements would be made within the existing developed area, should the existing dining areas be expanded, some undeveloped land adjacent to the existing buildings would be disturbed during construction and permanently developed with facilities.

Impacts and Mitigation Measures

DF Impact TCR-1: Implementation of the proposed project would be unlikely to cause a substantial adverse change in the significance of a Tribal Cultural Resource. *(Less than Significant)*

As discussed in **Section 4.4**, the areas that would be disturbed to construct the proposed dining facilities are generally considered unlikely to contain archaeological resources due to their locations and the previous disturbance that occurred in the area in conjunction with the construction of the existing college facilities. Nonetheless, consistent with LRDP Mitigation CULT-1A, previous survey coverage of the areas would be assessed. In the event that the areas have not been previously surveyed, consistent with LRDP Mitigation CULT-1B, a survey of the sites would be conducted. Furthermore, the project would be required to comply with LRDP mitigation measures for protection of resources from inadvertent damage during construction. This would ensure that impacts to archaeological resources would be less than significant.

Although unlikely, unknown human remains could occur on the project sites and could be inadvertently affected by grading and excavation activities. Implementation of LRDP Mitigation CULT-4C would reduce the impact to a less than significant level.

With respect to the potential to affect historic resources or unique cultural resource, as analyzed in **Section 4.4**, the dining hall at Rachel Carson College is of recent construction and based on its age, would not qualify as a historical resource. Therefore, changes to the Rachel Carson College dining facilities would not result in a significant impact on a historical resource. Porter College was constructed in 1969-70, and would be approximately 49-50 years in age at the time that alterations and additions to the dining hall would be constructed. It is anticipated that in compliance with LRDP Mitigations CULT-2B through 2D, the Campus will evaluate the affected structure and if the building is determined to be a historic resource, the Campus will appropriately design the addition to avoid a significant impact. Therefore, with LRDP mitigation, the impact on historical resources would be less than significant. Based on available information it appears unlikely that the area affected by project construction would contain any unique cultural resources.

In summary, as with the SHW project, while no TCRs are expected to be affected by the proposed dining facilities, should they be encountered and disturbed during construction, the impact could be potentially significant. However, LRDP mitigation measures would ensure that any resources encountered would not be adversely affected.

Mitigation Measures: No mitigation is required.

4.12.6 CUMULATIVE IMPACTS AND MITIGATION MEASURES

SHW Impact C-TCR-1: Implementation of the proposed project would not result in a significant cumulative impact on Tribal Cultural Resources. (*Less than Significant*)

An evaluation of potential impacts on TCRs was not required at the time that the 2005 LRDP EIR was prepared. Therefore the LRDP EIR does not contain an evaluation of the potential for campus development under the 2005 LRDP to result in a cumulative impact on TRCs. The EIR however contains an analysis of the cumulative impact of campus development under the 2005 LRDP along with other development in the City of Santa Cruz on cultural resources and human remains under LRDP Impact CULT-7, and that analysis concludes that the cumulative impact on cultural resources and human remains would be less than significant because campus projects would be required to implement appropriate LRDP mitigation measures to avoid or minimize impacts to significant resources. Because the

same measures would avoid and minimize impacts to TRCs, it is reasonable to conclude that the cumulative impacts of campus development under the 2005 LRDP, including the proposed SHW project, the dining facilities expansion project and other near-term campus projects, would result in a less than significant cumulative impact on TRCs. All of these projects would also implement the LRDP mitigation measures. The proposed project would not make a cumulatively considerable contribution to a cumulative impact on TCRs. There would be a less than significant impact.

Mitigation Measures: No mitigation is required.

4.12.7 REFERENCES

UC Santa Cruz. 2006. 2005-2020 Long Range Development Plan Final Environmental Impact Report, SCH No. 2005012113.