



County of San Diego, Planning & Development Services
Project Planning Division

Memorandum

TO: Ben Mills, Project Manager
FROM: Donna Beddow, Staff Archaeologist
SUBJECT: Response to Comments; NLP Granger; PDS2015-MUP-15-019
DATE: January 7, 2016

The following are staff's responses to comments received during the public review period for the draft Mitigated Negative Declaration dated November 5, 2015. The draft Mitigated Negative Declaration was circulated for public review from November 5, 2015 through December 21, 2015. Comments were received that require changes to the Mitigated Negative Declaration and/or the Initial Study/Environmental Analysis and/or the project.

Response to comments received from the San Luis Rey Band of Mission Indians:

1. The comment is introductory in nature and is not at variance with the environmental document. No changes were made to CEQA documentation as a result of this comment.
2. The project conditions include the requirement that the use of fill soils, whether from onsite or offsite sources be clean of cultural resources. No changes were made to the environmental documentation as a result of this comment.
3. The Archaeological Monitoring conditions identify all steps that are to be implemented should cultural resources or human remains be identified. Therefore, a pre-excavation agreement is not required. No changes were made to CEQA documentation as a result of this comment.
4. The project conditions have been expanded to include the requirement to provide the San Luis Rey Band of Mission Indians a copy of all cultural reports.
5. The comment is conclusionary in nature and is not at variance with the environmental document. No changes were made to the environmental documentation as a result of this comment.

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081

760-724-8505 • FAX 760-724-2172

www.slrmissionindians.org

December 30, 2015

Benjamin Mills
Project Manager
Planning & Development Services
County of San Diego
5510 Overland Ave., Ste. 110
San Diego, CA 92123

VIA ELECTRONIC MAIL
Benjamin.Mills@sdcounty.ca.gov

**RE: COMMENTS ON THE NOTICE OF INTENT TO ADOPT FINDINGS
PURSUANT TO SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT REGARDING THE GRANGER SOLAR PROJECT (PDS2015-
MUP-15-019 AND LOG NO. PDS2015-ER-15-02-006)**

Dear Mr. Mills:

1 We, the San Luis Rey Band of Mission Indians (“Tribe”), have received and reviewed the County of San Diego’s (“County’s”) Notice of Intent to Adopt Findings Pursuant to Section 15183 of the California Environmental Quality Act (“Section 15183”) and all of its supporting documentation as it pertains specifically to the protection and preservation of tribal cultural resources that are located within the parameters of the Granger Solar Project’s (“Project’s”) property boundaries. After our review, the Tribe is satisfied, and concurs, with the proposed Cultural Resource Mitigation Measures as contained within the Section 15183 environmental document.

2 The Tribe, however, is opposed to any undocumented fill being used during the proposed development. In the event that “fill” will be imported into the Project area, the Tribe requests that any proposed use of fill be clean of cultural resources and documented as such. It has been a practice of many in the construction profession to utilize fill materials that contained cultural resources from other “unknown” areas thereby contaminating the potential cultural landscape of the area being filled. This type of fill material is unacceptable. Moreover, if fill material is to be utilized from areas within the Project boundaries, then we ask that that fill be analyzed and confirmed by an archeologist and/or Luiseño Native American monitor that such fill material does not contain cultural resources. A requirement that fill material be absent of any and all cultural resources should therefore be included as an additional mitigation measure of the Section 15183¹.

3 Furthermore, the Tribe strongly recommends that the County include an additional mitigation measure requiring the Project Applicant to enter into a pre-excavation agreement, otherwise known as a

¹ This additional mitigation measure was recently adopted by the County for the Section 15183 – Pacifica Estates Tentative Map Project.

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cont

Tribal Cultural Resources Treatment and Monitoring Agreement. This agreement will contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the Project. Such an agreement is necessary to guarantee the proper treatment of cultural resources and Native American human remains displaced during a project development before such resources are impacted. Currently, the County Resource Guidelines do not state with any specificity how these sacred Luiseño resources should be treated. The Tribal Cultural Resource Treatment and Monitoring Agreement will provide the Project Applicant much needed guidance and a reasonable expectation of what is to occur if Native American human remains and/or associated burial goods are found during ground disturbing activities for their project. Therefore, SLR respectfully requests that in addition to the mitigation measures proposed within the Section 15183, the Project Applicant should be required to enter into a Tribal Cultural Resource Treatment and Monitoring Agreement prior to being issued a grading permit.

4

Lastly, the Tribe respectfully requests that the Tribe receive, free of cost, any and all reports submitted to the County in reference to the discovery and/or non-discovery of Native American tribal cultural resources. According to the Section 5183, such reports will be required to be submitted to the County. The Tribe is therefore requested that copies of any such reports be provided to the Tribe.

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The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the County of San Diego with our comments on the Granger Solar Project. As stated above, the Tribe is satisfied with the mitigation measures for Cultural Resources as proposed in the Section 15183 and respectfully requests that two (2) additional mitigation measures be adopted by the County for this Project. As always, we look forward to working with the County to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,



Merri Lopez-Keifer
Chief Legal Counsel
San Luis Rey Band of Mission Indians

cc: Melvin Vernon, SLR Tribal Captain
Carmen Mojado, SLR Secretary of Government Relations
Donna Beddow, Planning & Development Services, County of San Diego