

2.3 Cultural Resources

The assessment of the Proposed Project's potential to have an adverse effect on cultural resources is based on the technical study prepared for this project (Appendix 2.3-1: Comeau and Hale 2014). The results of the analysis is presented below and is included as appendices to this EIR with confidential records and maps on file at the County of San Diego, Department of Planning and Development Services and deposited with the South Coastal Information Center (SCIC).

- Appendix 2.3-1: *Cultural Resources Inventory and Evaluation for the Jacumba Solar Project* (~~Hale and Comeau~~ Hale 20142015)

Comments received in response to the Notice of Preparation (NOP) included concerns regarding the consideration of interests of local tribes, archaeological importance of the area, and presence of resources potentially including agave roasting pits. These concerns are addressed in the attached report and summarized in this section. A copy of the NOP and comment letters received in response to the NOP is included in Appendix 1-1 of this EIR.

2.3.1 Existing Conditions

2.3.1.1 Environmental Setting

Natural Environment

The Proposed Project area is generally an arid desert environment that supports a limited range of habitats and biological communities. These habitats and communities include desert scrub and chaparral. Additionally, these habitats and communities may vary depending on the ecoregion, soils and substrate, and topography. Topography within the Proposed Project area varies from a gentle slope to steeper terrain on the southwest portion of the Project site. The Proposed Project area is undeveloped, with on-site elevation ranging between 3,114 and 3,176 feet above mean sea level (amsl). The site is relatively flat, except for a hill near the southwest corner and several unvegetated channels that generally flow to the northwest across the site.

Cultural Environment

This section summarizes the existing cultural resources at the Project site, including the gen-tie alignment.

Cultural resources are the tangible or intangible remains or traces left by prehistoric or historical peoples who inhabited the San Diego region. Cultural resources can also include traditional cultural places, such as gathering areas, landmarks, and ethnographic locations (County of San Diego 2007a). If a cultural resource does not meet the definition of an "historical resource" under CEQA Guidelines Section 15064.5, it must be reviewed under CEQA Statutes Section

21083.2(g) that defines the significance of an archaeological site in terms of uniqueness. A unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

- Contains information needed to answer important scientific questions and there is a demonstrable public interest in that information.
- Has a special and particular quality, such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource is an archaeological artifact, object, or site that does not meet the previously listed criteria. Impacts to non-unique archaeological resources receive no further consideration under CEQA, other than the recording of its existence by the lead agency if it so elects.

The Project area contains numerous prehistoric and historic cultural resources, all of which are archaeological sites; built environment resources (structures, buildings, etc.) are not present in the Project. All historic resources in the Project area are refuse scatters, with a couple concrete foundations also present. Most of the refuse scatters are likely single episode deposits of refuse transported from off-site locations.

Prehistoric site types present in the Project area include habitation sites, temporary camps, a quarry, lithic/artifact scatters, and human remains. Habitation sites are locations of long-term or repeated occupation which often include midden deposits with large quantities and varieties of artifacts, bedrock milling features, and hearths, and may also contain rock art and rock shelters. Temporary camps are similar to habitation sites, but generally contain less variety and/or quantity of artifacts and features indicative of less intensive/shorter-term occupation. Lithic/artifact scatters consist of small to large concentrations of either just flakedstone debitage (lithic scatters) or multiple artifact types, but lacking features or other site components. Quarries consist of raw material procurement locations for flakedstone tools, groundstone tools, or other materials. Human remains sites are those locations which contain the physical remains of the human body (e.g., cremations, burials), and/or artifacts which were interred with those remains.

2.3.1.2 Methodology

The presence and significance of existing cultural resources associated with the Jacumba Solar Energy Project was determined using the methodologies outlined below.

- Archaeological site record and archival research was conducted at the South Coastal Information Center (SCIC) for the project area and immediate vicinity (1 mile radius).

The site record and archival search consisted of reviews of archaeological site records and previous cultural studies.

- Various maps, including Proposed Project maps, United States Geological Survey (USGS) quadrangle maps, historic maps and prior reports were reviewed to identify cultural resources that had been previously recorded in the vicinity of the Proposed Project area.
- An intensive pedestrian field survey was conducted for the entire Proposed Project Area in no greater than 20-meter (67-foot) transect spacing. Native American monitors were present during all phases of fieldwork.
- Based on observations made during the pedestrian survey, an Extended Phase I shovel probing program was performed to assess the potential for significant subsurface deposits in the Proposed Project area for the purpose of avoidance. The probing involved excavation of 17 subjectively placed shovel test pits. No artifacts were collected during shovel probing, but were place back in the units and reburied.
- Dudek completed an evaluation of all cultural resources identified within the Project Area of Direct Impacts (ADI), including the gen-tie. The evaluation program utilized a distributional sampling method, which was based on regular interval sampling of an offset 100 m grid across the entire ADI. Specific areas of artifact concentration within previously recorded sites and newly identified areas were subjectively targeted with sample units. Sampling included collection of all artifacts within a 10 by 10-meter area (controlled surface collection [CSC]), and excavation of a 1 by 1-meter shovel scrape unit (SSU), 0.5 by 0.25-meter shovel test pit (STP), 1 by 0.5-meter shovel test unit (STU), or a 1 by 1-meter control unit (CU), where deposits warranted. Eleven 0.5-meter wide backhoe trenches (mechanically excavated trench [MET]) were also subjectively excavated in areas to test for buried deposits, or to explore known roasting pits. CSCs were supplemented with grab sample and piece-plot (individual) collection of surface artifacts. These methods were presented in a work plan submitted to and approved by the County prior to initiation of evaluation fieldwork that occurred between July and September of 2014. During the evaluation, all materials were collected and transported back to Dudek's laboratory facilities for processing and curation preparation.
- A request for a Sacred Lands File search was sent to the Native American Heritage Commission (NAHC) for their consideration and input.

2.3.1.3 Records Search Results

According to the records on file at the SCIC a total of 22 previous studies have been performed in the records search area; seven of these covered a portion of the Project area. The records search identified 217-216 cultural resources within 1-mile of the Project site boundary,

~~18–17~~ of which are archaeological sites within or intersecting the 304-acre Project parcel (Table 2.3-1). Only two previously recorded sites intersect the 108-acre Project Area of Direct Impact (ADI) (~~CA-SDI-6119/19627~~ CA-SDI-7074/6119/19627, and CA-SDI-18765).

2.3.1.4 Survey and Evaluation Results

Nine newly recorded sites were identified during the overall study (CA-SDI-21492 through CA-SDI-21500); only five of the newly recorded sites are located within the ADI (CA-SDI-21492, CA-SDI-21493, CA-SDI-21494, CA-SDI-21496, and CA-SDI-21497). All of the previously recorded resources within the Project area were relocated, including the two sites which intersect the ADI (~~CA-SDI-6119/19627~~ CA-SDI-7074/6119/19627 and CA-SDI-18765). In all, seven archaeological sites intersect the Project ADI (see Table 2.3-1). Of the seven sites in the ADI, one is historic, one has both historic and prehistoric components, and five are prehistoric. The ~~20–19~~ sites within the Project area but outside the ADI include two historic sites, 15 prehistoric sites, and ~~three–two~~ sites with both historic and prehistoric components.

Previously recorded prehistoric site, ~~CA-SDI-6119/19627~~ CA-SDI-7074/6119/19627 is the only site located in the gen-tie corridor. This used to be two separate sites, CA-SDI-7074 and CA-SDI-6119/19627, but they were recently merged into one site by SDG&E’s contractor. Portions of this site within the gen-tie area were evaluated on three separate occasions by Jordan (2010), Berryman et al. (2009) and Williams and Whitley (2011). Overall, all three studies concluded that the evaluated portions of the site, that are in the Jacumba Solar ADI, did not meet the criteria to be considered eligible for listing in the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP). The remainder of the site contains two concentrations/possible habitation areas, which have been avoided by project design, and a light artifact scatter with artifact densities as low as 0.1/m² – equivalent to the low-density scatter as delineated in the distributional sampling. As the light density scatter in the gen-tie area is consistent with the “background noise” observed throughout the ADI and the Jacumba Valley in general, it is not part of the site that the aforementioned studies identify as containing cultural resources that are potentially eligible for listing in the CRHR or NRHP and, Enough of the project site was evaluated through these studies that additional evaluation work was not necessary for the current project. A portion of the overall site that is eligible for listing, corresponding to CA-SDI-7074, was also evaluated by Williams and Whitley (2011) and was determined eligible for listing in the NRHP; this portion of the site is outside the Jacumba Solar ADI. All areas located in the current proposed ADI of the gen-tie are those that have been determined not significant/not eligible, and therefore are not considered contributing elements to the overall eligibility of the CA-SDI-7074/6119/19627 site.

All cultural materials recovered during the survey and evaluation were treated in accordance with the standard archaeological practices, and all artifacts were analyzed by artifact type, as

appropriate (see Appendix 2.3-1). At the completion of Project construction, all materials and associated documentation will be submitted to the SDAC or a culturally appropriate Tribal curation facility for permanent curation, with the exception of human remains and associated grave goods. The final curation decision will be based on the conclusion of the County's Native American consultation. All DPR forms and updates, along with historical archival materials, were submitted to the SCIC.

Mr. Clint Linton from Red Tail Monitoring and Research, Inc. ("Red Tail") provided Native American monitors during the inventory and evaluation phases of fieldwork, including Mr. Gabe Kitchen, Phillip Pena, and Bobo Linton. Mr. Clint Linton was also designated the Most Likely Descendent Representative (MLD) by the Kumeyaay Cultural Repatriation Committee (KCRC) for purposes of the disposition of human remains.

2.3.1.5 Regulatory Setting

State Regulations

California Register of Historical Resources

California Public Resources Code Section 5024.1 (a) establishes the CRHR. Section 5024.1 (c–f) provides criteria for CRHR eligibility listing. The CRHR considers a resource as "historically significant" and qualifying as a historical resource if it:

- Is associated with 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
- Is associated with the lives of persons important to local, California, or national history
- 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
- Has yielded, or has the potential to yield, information important to prehistory or history of the local area, California, or the nation.

These criteria do not preclude a lead agency from determining that a resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) and 5024.1.

California Environmental Quality Act (CEQA)

CEQA requires lead agencies to carefully consider the potential effects of a project on historical and unique archaeological resources. A "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript, which is historically or archaeologically significant (California Public Resources Code, Section 5020.1 (j)).

Section 15064.5 of the CEQA Guidelines specifies criteria for determining the significance of impacts to archaeological and historical resources. Section 15064.5 defines a “historical resource” as:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code 5024.1, Title 14 CCR, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. 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 an 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 on the California Register of Historical Resources (14 CCR 4852) including the following:
 - a. Is associated with events that have made a contribution to the broad patterns of California history and cultural heritage;
 - b. Is associated with the lives of persons important in our past;
 - c. Embodies the distinctive characteristics of a type, period, region or method construction, or represents the work of an important individual or possesses high artistic values; or
 - d. Has yielded, or may be likely to yield, important information in prehistory or history.
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1

If a cultural resource does not meet the definition of an “historic resource “under CEQA Guidelines Section 15164.5, it must be reviewed under CEQA Statutes Section 21083.2(g) that

defines the significance of an archaeological site in terms of uniqueness. A unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

1. Contains information needed to answer important scientific questions and there is a demonstrable public interest in that information.
2. Has a special and particular quality, such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource indicates an archaeological artifact, object, or site that does not meet the previously listed criteria. Impacts to non-unique archaeological resources receive no further consideration under CEQA, other than the recording of its existence by the lead agency if it so elects.

Human remains require special handling and must be treated with dignity. Procedures are provided in Section 15064.5(e) of the CEQA Guidelines, Section 5097.98 of the Public Resources Code and Section 87.429 of the County's Grading Ordinance. In the event of the discovery of human remains and/or funerary items, the following procedures, as outlined by the above statutes, regulations, and ordinances, shall be followed:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The County Coroner must be contacted to determine that no investigation of the cause of death is required, and
 - b. If the Coroner determines that the remains are Native American:
 - i. The Coroner shall contact the NAHC within 24 hours.
 - ii. The NAHC shall identify the person or persons it believes to be the most likely descended (MLD) from the deceased Native American.
 - iii. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - a. The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission;
 - b. The descendent identified fails to make a recommendation; or
 - c. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Similarly, Public Resources Code Section 5097.98 states that whenever the NAHC receives notification of Native American human remains from a County Coroner, the NAHC shall immediately notify the MLD. The MLD may, with permission from the owner of the land in which the human remains were found, inspect the site and recommend to the owner or the responsible party conducting the excavation work a means for treating and/or disposing of the human remains and any associated grave goods. The MLD is required to complete their site inspection and make their recommendation within 48 hours of their notification from the NAHC.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code, Section 7050.5, requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County Coroner has examined the remains (Section 7050.5b). If the Coroner determines or has reason to believe the remains are those of a Native American, the Coroner must contact the NAHC within 24 hours (Section 7050.5c).

Local Regulations

County of San Diego Local Register of Historic Resources

The criteria for listing historical resources to the Local Register (Ordinance No. 9493) are consistent with those developed by the Office of Historic Preservation (OHP) for listing resources to the California Register of Historical Resources (California Register), but have been modified for local use in order to include a range of historical resources which specifically reflect the history and prehistory of San Diego County. Only resources that meet the criteria set out below may be listed or formally determined eligible for listing to the Local Register.

1. Are associated with events that have made a significant contribution to the broad patterns of San Diego County's history and cultural heritage;

2. Are associated with the lives of persons important to the history of San Diego County or its communities;
3. Embodies the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

County of San Diego General Plan — Conservation and Open Space Element

The following goals and policies identified in the County of San Diego General Plan (August 2011) Conservation and Open Space Element are applicable to the Proposed Project:

1. **Goal COS-7: Protection and Preservation of Archaeological Resources.** Protection and preservation of the County's important archaeological resources for their cultural importance to local communities, as well as their research and educational potential.
 - a. **Policy COS-7.1: Archaeological Protection.** Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.
 - b. **Policy COS-7.2: Open Space Easements.** Require development to avoid archaeological resources whenever possible. If complete avoidance is not possible, require development to fully mitigate impacts to archaeological resources.
 - c. **Policy COS-7.3: Archaeological Collections.** Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.
 - d. **Policy COS-7.4: Consultation with Affected Communities.** Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.
 - e. **Policy COS-7.5: Treatment of Human Remains.** Require human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains will be done in consultation with the Most Likely Descendant (MLD) and under the requirements of Federal, State, and County Regulations.
 - f. **Policy COS-7.6: Cultural Resource Data Management.** Coordinate with public agencies, tribes, and institutions in order to build and maintain a central database that includes a notation whether collections from each site are being curated, and if so, where, along with the nature and location of cultural resources throughout the County of San Diego.

County of San Diego Resource Protection Ordinance

The RPO requires that cultural resources be evaluated as part of the County's discretionary environmental review process for certain permit types. If cultural resources are found to be significant pursuant to the RPO, they must be preserved (County of San Diego 2007). The RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use that damages significant prehistoric or historic site lands (except for scientific investigations with an approved research design prepared by an archaeologist certified by the Register of Professional Archaeologists).

Pursuant to the RPO (2007), significant prehistoric or historic sites are sites that provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance. Such locations include, but are not limited to:

1. Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
 - a. Formally determined eligible or listed in the NRHP by the Keeper of the National Register; or
 - b. To which the Historic Resource (H designator) Special Area Regulations have been applied; or
2. One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and
3. Any location of past or current sacred religious or ceremonial observances which is either:
 - a. Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, or
 - b. Other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

County of San Diego Grading Ordinance

The Grading Ordinance requires that projects involving grading, clearing, and/or removal of natural vegetation obtain a grading permit, unless the project meets one or more of the exemptions listed in Section 87.202 of the Grading Ordinance. The grading permit is discretionary and requires compliance with CEQA. In the event that human remains or Native American artifacts are encountered, Section 87.429 requires that grading operations be suspended in the affected area and the operator is required to inform the County Official. The

County's Grading Ordinance requires the project to comply with the requirements of Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.99.

Native American Heritage Values

Federal and state laws mandate that consideration be given to the concerns of contemporary Native Americans with regard to potentially ancestral human remains, associated funerary objects, and items of cultural patrimony. Consequently, an important element in assessing the significance of a cultural resource has been to evaluate the likelihood that these classes of items are present in areas that would be affected by the proposed project.

Also potentially relevant to prehistoric archaeological sites is the category termed Traditional Cultural Properties (TCP) in discussions of cultural resource management (CRM) performed under federal auspices. According to Patricia L. Parker and Thomas F. King (1998), "Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include:

1. A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
2. A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
3. An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
4. A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
5. A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

A traditional cultural property, then, can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. Under County Guidelines, TCPs may also be protected under the County's Resource Protection Ordinance.

2.3.2 Analysis of Project Effects and Determination of Significance

According to CEQA Guidelines (Section 15126.4(b)(3)), “Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature.” According to CEQA Guidelines (Section 15126.4(b)(3)(A)) “Preservation in place is the preferred manner of mitigating impacts to archaeological sites.”

2.3.2.1 Historical Resources and Archeological Resources

Guidelines for the Determination of Significance

For the purposes of this EIR, any of the following will be considered a significant impact to cultural resources:

1. The project, as designed, causes a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5 of the CEQA Guidelines. This shall include the destruction, disturbance, or alteration of characteristics or elements of a resource that causes it to be significant in a manner not consistent with the Secretary of Interior Standards.
2. The project, as designed, causes a substantial adverse change in the significance of an archaeological resource, as defined in Section 15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.
3. Activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance are proposed and the Proposed Project fails to preserve those resources.

The significance guidelines listed above have been selected for the following reasons:

- Guideline 1 and 2 are derived directly from CEQA, as well as the County of San Diego Guidelines for Determining Significance for Cultural Resources. Sections 21083.2 of the Public Resources Code and 15064.5 of the CEQA Guidelines recommend evaluating archaeological and historical resources to determine whether or not a proposed action would have a significant effect on unique archaeological or historical resources. Any project that would have an adverse impact (direct, indirect, cumulative) on significant prehistoric or historic resources as defined by these guidelines would be considered a significant impact.
- Guideline 3 was selected because cultural resources are protected under the RPO. The County RPO does not allow non-exempt activities or uses damaging to significant prehistoric lands on properties under County jurisdiction. The only exempt activity is

scientific investigation. The project is required to be in conformance with applicable County standards related to cultural resources, including the noted RPO criteria for prehistoric sites. Non-compliance would result in a project that is inconsistent with County standards.

Analysis

Historical Resources (Guidelines 1 and 3)

No evidence of historic resources (structure, features, etc.) was discovered during the records search or field survey. Therefore, the implementation of the proposed project will have no impact to historic resources.

Archaeological Resources (Guidelines 2 and 3)

The analysis below evaluates potential impacts to archaeological sites within the Proposed Project area. Archaeological resources identified during the field survey and evaluation include lithic and artifact scatters, roasting pit features, habitation sites, temporary camps, refuse deposits and scatters, and lithic quarrying debris.

Project development could adversely affect archaeological resources through ground-disturbing activities, such as excavation and grading, which has the potential to damage or destroy known and unknown cultural resources that may be present on or below the ground surface, particularly in undeveloped areas.

The records search identified ~~18~~17 previously recorded archaeological sites within or intersecting the Project parcel (Table 2.3-1). Only two previously recorded sites intersect the Project ADI (~~CA-SDI-6119/19627~~CA-SDI-7074/6119/19627, and CA-SDI-18765). An additional nine newly recorded sites were identified during the overall study (CA-SDI-21492, CA-SDI-21493, CA-SDI-21494, CA-SDI-21495, CA-SDI-21496, CA-SDI-21497, CA-SDI-21498, CA-SDI-21499, and CA-SDI-21500); only five of the newly recorded sites are located within the ADI (CA-SDI-21492, CA-SDI-21493, CA-SDI-21494, CA-SDI-21496, CA-SDI-21497). In all, seven archaeological sites intersect the Project ADI. Archaeological significance evaluation was only completed for sites within the Project ADI according to CEQA (Section 15064.5) and the RPO criteria. All cultural resources located outside of the ADI but within the Project Parcel were avoided and will be placed within dedicated open space. Evaluated sites include artifact scatters, lithic scatters, quarry, roasting pits, temporary camps, and historic period refuse scatters. Site types located outside the project ADI which were not evaluated include: habitation sites, temporary camps, lithic scatters, and historic period refuse scatters. Surface observations of sites within the ADI indicated that all site assemblages had low artifact density and diversity, and thus low data potential. A detailed discussion of each site can be found in the archaeological resources study (Appendix 2.3-1).

A Sacred Lands check was requested of the NAHC. The NAHC responded that cultural resources were present within the search area and provided a list of Tribes and organizations that should be consulted with. The listed Tribes and organizations were contacted on September 16, 2014. To date, no response has been received.

Based on the Project design, two previously recorded archaeological sites (~~CA-SDI-6119/19627~~CA-SDI-7074/6119/19627, and CA-SDI-18765) and five newly recorded sites (CA-SDI-21492, CA-SDI-21493, CA-SDI-21494, CA-SDI-21496, CA-SDI-21497) fall within the project construction ADI and will be directly impacted/affected by ground-disturbing construction activities. All seven archaeological sites have been evaluated to determine whether they are eligible to be listed in the NRHP, CRHR or in the local register of historical resources, can be considered historically significant under CEQA Guidelines Section 15064.5(a)(3), or would otherwise be considered a historical resource under CEQA Guidelines Section 15064.5(a)(4) (see Appendix 2.3-1) or considered significant under the Resource Protection Ordinance. Evaluation efforts resulted in the recovery of sparse lithic flaking debris, and minimal amounts of groundstone and aboriginal ceramics from prehistoric sites, and documentation of basic household consumable containers, structural debris, and miscellaneous rubbish from historic archaeological sites; none contained substantial or significant buried cultural deposits. Consideration of the contribution of evaluated archaeological sites in a larger landscape of human occupation did not indicate any significant contributions of the project's cultural sites to the greater region.

All seven evaluated archaeological sites (or portion of sites) within the Project ADI are considered not significant, and none are recommended as eligible for listing in the NRHP, CRHR or local register (see Table 2.3-1), thus the sites are not significant "historical resources" under CEQA Guidelines Section 15054.5. A portion of one site (CA-SDI-7074/6119/19627) located outside the ADI was previously evaluated and determined eligible for listing in the NRHP and CRHR. The evaluated portions of that site within the ADI are considered non-contributing elements to the eligibility of the overall site. Additionally, none are considered significant cultural resources under the standards of the County's RPO. These findings are based on the lack of significant archaeological deposits, and low artifact density and diversity at each resource that would otherwise provide a strong research context for refining and contributing to local and regional culture histories. It is also based on the homogeneity/redundancy of flaked lithic debris constituting the vast majority of artifacts in the Project area, and within nearby areas targeted by unrelated, previous investigations.

Based on the evaluation of the seven archaeological sites, impacts from project construction are considered **less than significant**. However, there is still the potential for the discovery of unknown archaeological deposits during earth moving activities and there is still the potential for significant impacts to cultural deposits, if discovered. This impact would be considered **potentially significant (CR- -1)**.

The 20 sites that will be avoided by project design through the dedication of open space located outside of the ADI that have not been previously evaluated, and that were not evaluated for this Project are assumed significant under CEQA and the County RPO and are considered eligible for listing in the CRHR and local register, according to County guidelines. These 20 avoided and unevaluated sites (or portions thereof) do not intersect current project impact areas, and will be protected from indirect impacts during construction by exclusionary fencing. Therefore, there will be **no significant impacts** to these resources (**CR- 2**).

Operation

Once in operation the Proposed Project would not involve additional ground disturbing activities that could impact potential archaeological resources. Therefore, impacts during operation would be **less than significant**.

2.3.2.2 Human Remains

Guidelines for the Determination of Significance

For the purposes of this EIR, any of the following will be considered a significant impact to human remains:

1. The project disturbs any human remains, including those interred outside of formal cemeteries.
2. Activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance are proposed and the Proposed Project fails to preserve those resources.

The significance guidelines listed above have been selected for the following reasons:

- The County of San Diego Guidelines for Determining Significance for Cultural Resources include Guideline 4 because human remains must be treated with dignity and respect. State law including CEQA requires consultation with the “Most Likely Descendant” as identified by the NAHC for any project in which human remains have been identified.
- Guideline 5 is included because human remains are protected under the RPO. The County RPO does not allow non-exempt activities or uses damaging to human remains on properties under County jurisdiction. The project is required to be in conformance with applicable County standards related to human remains, including the noted RPO criteria for human remains. Non-compliance would result in a project that is inconsistent with County standards.

Analysis (Guidelines 4 and 5)

The analysis below evaluates potential impacts relative to the discovery, potential discovery and disturbance of human remains.

Human remains, including those interred outside of formal cemeteries were identified during the evaluation phase. Two sites, Locus 3 of ~~CA-SDI-6119/19627~~ CA-SDI-7074/6119/19627, and newly recorded site CA-SDI-21495, were identified as containing human remains. Pursuant to CEQA, consultation was conducted with the Most Likely Descendant (Kumeyaay Cultural Repatriation Committee) to determine the appropriate treatment of human remains. Because of the presence of human remains, these two locations are significant pursuant to Section 15064.5 of the CEQA guidelines and the County RPO. A detailed discussion of each site can be found in the technical study (Appendix 2.3-1).

These two areas were identified during the evaluation phase, and were treated in accordance with California law. As discussed in the Cultural Technical Study, bone from the site locations were identified during the field activities (evaluation). At the request of the County's forensic anthropologist, Dr. Madeleine Hinkes, and with the permission of the Native American monitor, all visible pieces of cremated bone were collected and transported to Dr. Hinkes' office for examination. The bone was determined to be "likely" or "possibly" human remains. Upon conclusion of consultation related to human remains, the bone fragments were transferred to the custody of the MLD. Both locations where bone fragments were discovered have been avoided through the dedication of open space as required by the County RPO. The open space includes an appropriate buffer through project design, which was determined in consultation with the County archaeologist, Project proponent, and the MLD. There will be **no significant impacts** to these remains from project construction because both discovery locations have been avoided through project design changes and will be protected by exclusionary fencing.

There is still the potential to discover additional human remains during Project implementation. In the event that human remains are inadvertently discovered during ground disturbing activities, there could be potentially significant impacts. The Project would be required to comply with CEQA Section 15064.5 and Public Resources Code Section 5097.98 should any unknown human remains be discovered. If human remains are encountered, work in the area of the find must halt until the Coroner has made the necessary findings as to origin. If determined to be Native American, consultation with the MLD will be required. The MLD may make recommendations and engage in consultations concerning the treatment of the remains. Therefore, since the Project would be in compliance with Public Resources Code Section 5097.98 and CEQA Section 15064.5, impacts to human remains would be **less than significant**.

Operation

Once in operation the Proposed Project would not involve additional ground disturbing activities that could impact potential human remains. Therefore, impacts during operation would be **less than significant**.

Native American Consultation

The NAHC was contacted for a search of their sacred lands files. The NAHC responded stating that there are Native American resources on the Jacumba Quadrangle that may be impacted, and recommended contacting the Ewiiapaayp Tribal Office for more information. Letters were sent by Dudek to the Tribal contacts identified by the NAHC, as well as by the County as part of the formal government-to-government consultation. Consultation is ongoing as the project progresses throughout the discretionary process. Native American monitors from the Red Tail Monitoring and Research, Inc. participated in the survey and testing program, including Mr. Gabe Kitchen, Phillip Pena, and Bobo Linton.

To date, no further information has been obtained through Native American consultation or communication with the Native American monitors during fieldwork that any of the evaluated sites are culturally significant. No Traditional Cultural Properties (TCPs) are known to exist within the project area that currently serves religious or other community practices. During the current archaeological evaluation, no artifacts or remains were identified or recovered that could be reasonably associated with such practices. For this reason, impacts to Native American resources are considered **less than significant**, although Native American consultation is ongoing.

2.3.3 Cumulative Impact Analysis

2.3.3.1 Archaeological Resources

According to CEQA, the importance of cultural resources comes from the research value and the information that they contain. Therefore the issue that must be explored in a cumulative analysis is the cumulative loss of that information. For sites considered less than significant, the information is preserved through recordation and test excavations. Significant sites that are placed in open space easements avoid impacts to cultural resources and also preserve the data. Significant sites that are not placed within open space easements preserve the information through recordation, test excavations and data recovery programs that would be presented in reports and filed with the County of San Diego and the South Coastal Information Center. The artifact collections from any potentially significant site would also be curated at the San Diego Archaeological Center or a culturally appropriate Tribal curation facility.

The cumulative study area includes southeastern San Diego County and southwestern Imperial County and was selected because these areas include the relatively undeveloped portions of the ancestral Kumeyaay territory, and those rural areas outside of the historically developed urban population centers in San Diego and southwestern Imperial County, as shown in Figure 1-9. These cumulative projects are summarized in Table 1-7 of Chapter 1.0, Project Description. Related projects within this geographic extent are capable of collectively contributing, along with the proposed project's APE, to impacts on prehistoric resources associated with ancestral Kumeyaay lifestyles.

Within the cumulative study area, 13 sites are CEQA significant, one site is RPO significant, and three site(s) are both CEQA and RPO significant cultural resources because of their potential to provide important information about scientific research questions. Prehistoric and historic settlement patterns can be very broad; therefore it is prudent to consider a large study area when evaluating cumulative impacts.

Four projects within the cumulative study area contain significant cultural resources and nine projects contain potentially significant cultural sites (testing would need to be completed to determine whether the sites are significant). The remaining cultural resources in the vicinity of the project area were determined not to be significant cultural resources. The following is a discussion of the significant and potentially significant cultural resources within the cumulative project boundaries.

Prehistoric site types identified in the cumulative project area include: small artifact scatters, bedrock milling features, temporary camps, rock shelters, roasting pits and habitation sites. Dated prehistoric sites predominately fall into the Late Prehistoric Period, with a limited number of sites having Archaic Period components. Prehistoric sites which have been determined to be significant are all habitation sites and/or sites with human remains. Historic period sites are predominately refuse deposits consisting of food and beverage containers; building and/or structure foundations; buildings; mining related features (e.g., pits, adits); and ranching related features (e.g., fences) and transportation corridors (roads, railroads). Historic sites which have been determined significant include Camp Lockett, a WWII-era military camp. Impacts to significant sites on the cumulative projects list were, or are proposed to be, mitigated through a combination of avoidance, where project components were realigned or open space was created in order to avoid impacts to sites; data recovery, where the information potential of the sites was collected through excavation and recordation; curation of collected artifacts; and monitoring of ground disturbing construction activities to prevent significant impacts to previously unidentified sites and sites which have not been evaluated.

The Proposed Project's impacts to cultural resources would be reduced to less than significant through the evaluation of known and newly discovered sites that cannot be avoided, and

mitigation measures that include the placement of significant sites within an avoidance area (open space), curation of all artifacts obtained during the testing and data recovery programs, and grading monitoring that includes avoidance or data recovery at new discoveries. As outlined above, the cultural resources located within the cumulative projects would be mitigated through similar measures.

TCPs are resources that can qualify under several of the County's RPO criteria and thus require avoidance and preservation in place. No TCPs have been identified within the Proposed Project area. Furthermore, TCPs have not been identified in the cumulative project area. Any TCPs identified during grading monitoring would result in a potentially significant impact. Impacts can be reduced to less than significant through avoidance and preservation in place under County RPO standards.

Because the Proposed Project and those projects identified within the cumulative impact study area are ~~primarily~~ mitigated by the collection and curation of information, construction monitoring, and the preservation of the most important resources, adequate mitigation has occurred for in situ appreciation of and access to information regarding those sites. This reduces the potential for cumulative effects and the proposed project **would not contribute to a significant cumulative impact to cultural resources.**

2.3.3.2 Human Remains

Projects located in the cumulative project area would have the potential to result in an impact associated with human remains from extensive grading, excavation, or other ground-disturbing activities. Cumulative projects from Table 1-7 that require significant excavation, such as regional energy and utility projects, could potentially result in adverse impacts to human remains. Cumulative projects on State or public lands would be required to comply with NAGPRA, Public Resources Code Section 5097.9-5097.991, Cal NAGPRA, and Health and Safety Code Section 7050.5, if human remains were encountered during ground-disturbing activities. Most other cumulative projects would be regulated by State and local regulations, including CEQA, RPO and the County Grading Ordinance.

The Proposed Project could potentially result in an impact to human remains through ground-disturbing activities. The Proposed Project would be required to comply with Public Resources Code Section 5097.98 and CEQA Section 15064.5 should any unknown human remains be discovered during site disturbance. Therefore, because the Proposed Project, in combination with the identified cumulative projects, would be in compliance with CEQA Section 15064.5 and Public Resources Code Section 5097.98, impacts to human remains would be less than significant.

2.3.4 Significance of Impacts Prior to Mitigation

2.3.4.1 Archaeological Resources

Any cultural resources at the Project site (within the ADI) could potentially be impacted during earth moving activities associated with project construction of the solar panel arrays, substation, battery storage, gen-tie, staging areas, and access roads. Impacts to sites which have been evaluated and found not significant under CEQA, Section 106, and the County RPO and not eligible to be listed in the CRHR/NRHP, or local register, would be **less than significant**. Impacts to buried sites discovered during construction would be **potentially significant (CR-1)**. All cultural resources identified within the APE but outside the ADI will be placed into open space and will be avoided by project design. Installation of protective fencing and monitoring of construction activities would prevent damage to these resources. Therefore, there will be **no significant impacts** to these sites.

2.3.4.2 Human Remains

Human remains were identified at two locations within the Project APE; these locations are considered significant under CEQA and the County RPO. Both of these locations have been avoided by project design and have been placed in open space and will not be impacted during Project construction or operation. Therefore, there will be **no significant impacts** to known human remains.

Unknown human remains could potentially be discovered and impacted during ground disturbing activities associated with construction of the solar panel arrays, substation, battery storage, gen-tie, staging areas, and access roads. However, the Proposed Project would be required to comply with Public Resources Code Section 5097.98 and CEQA Section 15064.5 should any unknown human remains be discovered during site disturbance. Therefore, impacts would be **less than significant**.

2.3.5 Mitigation Measures

2.3.5.1 Archaeological Resources

There is the potential for the discovery of unknown cultural resources during ground disturbing activities associated with construction of the Project. The mitigation measures described below have been identified to reduce potentially significant impacts to a level less than significant.

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

M-CR-1 ARCHAEOLOGICAL MONITORING: [PDS, PCC] [DPW, ESU] [GP, IP, UO] [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, an archaeological monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA).

DESCRIPTION OF REQUIREMENT: A County Approved Principal Investigator (PI) known as the “Project Archaeologist,” shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities as well as decommissioning (in the event of original cutting of previously undisturbed deposits) activities. The Grading Monitoring Program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction, and decommissioning, pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or Letter of Acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or Letter of Acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archaeologist shall provide evidence that a Kumeyaay Native American has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Grading Monitoring Contract or Letter of Acceptance from the Project Archaeologist, cost estimate, and MOU to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

TIMING: Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits.

MONITORING: The [PDS, PCC] shall review the contract or Letter of Acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

CULTURAL RESOURCES REPORT [PDS, FEE X2]

INTENT: In order to ensure that the Grading Monitoring occurred during the earth-disturbing phase of construction of the project, a final report shall be prepared. A supplemental report will be required at the completion of decommissioning (in the event of original cutting of previously undisturbed deposits).

DESCRIPTION OF REQUIREMENT: A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated that includes but is not limited to the following:
 - (1) The applicant shall provide evidence that all prehistoric archaeological materials collected during the survey, testing, and grading monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

- (2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PCC] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC). Upon completion of decommissioning (in the event of original cutting of previously undisturbed deposits) the applicant's archaeologist shall prepare and submit a supplemental report for approval to PDS, PCC and recorded with SCIC.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared.

MONITORING: The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

Grading Plan Notes

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

CULT#GR-1 ARCHAEOLOGICAL MONITORING [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources.

DOCUMENTATION: The applicant shall have the contracted Project Archeologist and Native American Monitor attend the preconstruction meeting to explain the monitoring requirements.

TIMING: Prior to the Pre-construction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.

MONITORING: The [DPW, PDCI] shall advise the [PDS, PCC] that the preconstruction conference has taken place.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

CULT#GR-2 ARCHAEOLOGICAL MONITORING [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archaeologist and Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be on site as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native

American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Native American monitor.

- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist or the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Native American monitor, shall determine if the discovered resources are potentially significant by being eligible for the national register of historic places or California register for historic resources ~~the significance of the discovered resources~~. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant resources shall be minimally documented in the field. Should the isolates or non-significant resources not be collected by the Project Archaeologist, then the Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program is required to mitigate impacts to identified significant cultural resources. The Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Native American monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) avoidance of Traditional Cultural Properties, (2) reasonable efforts to preserve (avoidance) “unique” cultural resources pursuant to CEQA Section 21083.2(g) or Sacred Sites, (3) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible, and (4) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance). Each of these provides an effective means of preserving and collecting information that may be important to the prehistory or history of the local area, California, or the nation.
- c. If any human remains are discovered, the property owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native

American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be contacted by the property owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code Section 5097.98, CEQA Section 15064.5 and Health and Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.

DOCUMENTATION: The applicant shall implement the archaeological monitoring program pursuant to this condition.

TIMING: The following actions shall occur throughout the duration of the grading construction.

MONITORING: The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Archeologist or applicant fails to comply with this condition.

ROUGH GRADING: (*Prior to rough grading approval and issuance of any building permit*).

CULT#GR-3 ARCHAEOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. If no archaeological resources are encountered during grading, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.

- b. If archaeological resources were encountered during earth-disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the earth-disturbing activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to the [PDS, PCC] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center.

TIMING: Upon completion of all earth-disturbing activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed.

MONITORING: The [PDS, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

CULT#GR-4 ARCHAEOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Grading Monitoring Program if cultural resources were encountered during grading. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated that includes but is not limited to the following:
 - (1) Evidence that all prehistoric archaeological materials collected during the survey, testing, and archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native

American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

(2) Historic materials shall be curated at a San Diego curation facility and shall not be curated a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Archaeological Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PCC] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC).

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared.

MONITORING: The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

M-CR-2 OPEN SPACE – See Mitigation Measure M-BI-4**TEMPORARY FENCING: [PDS, PCC] [DPW, PDCI] [PC] [PDS, FEE].**

INTENT: In order to prevent inadvertent disturbance to archaeological sites within the avoidance areas (open space) and to the unimpacted portions of sites outside of the Major Use Permit boundaries, temporary construction fencing shall be installed.

DESCRIPTION OF REQUIREMENT: Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance archaeological sites within the avoidance areas (open space) and to the unimpacted portions of sites outside of the Major Use Permit boundaries during all earth disturbing activities. Temporary fencing shall include but is not limited to the following:

- a. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of any archaeological site within avoidance areas (open space) or the unimpacted portions of sites outside of the Major Use Permit boundaries.
- b. The placement of such fencing shall be approved by PDS. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

DOCUMENTATION: The applicant shall have a California licensed surveyor install and certify the installation of the temporary fencing in consultation with the Project Archaeologist. The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval.

TIMING: Prior to the Preconstruction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances, the fencing shall be installed, and shall remain for the duration of the earth-disturbing activities.

MONITORING: The [PDS, PCC] shall review the certification and pictures provided by the applicant's surveyor."

All previously recorded cultural resources that cannot be avoided have been evaluated to determine their historical significance under CEQA and County guidelines and eligibility for listing in the California Register of Historic Resources or local register- (see Table 2.3-2).

2.3.5.2 Human Remains

There will be no significant impacts relative to known human remains because those areas in which human remains have been identified will be avoided and dedicated into open space. Should human remains be encountered, the applicant is required to comply with CEQA Section 15064.5 and Public Resources Code Section 5097.98.

2.3.6 Conclusion

Table 2.3-2 provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after mitigation measures are implemented.

The potential for discovery of new archaeological resources during construction of the Proposed Project would be mitigated to less than significant with incorporation of mitigation measure **M-CR-1**. Potential impacts to known resources which are proposed to be avoided will be mitigated to less than significant with incorporation of mitigation measure **M-CR-2** because temporary fencing delineating open space and archaeological monitoring (**M-CR-1**) during project construction will be made a condition of approval. Artifacts collected and site documentation prepared during the field survey, testing and archaeological monitoring will be curated. With the inclusion of these mitigation measures, project impacts will be reduced to **less than significant**.

Table 2.3-1
Cultural Resources Located Within the Project Area

| Resource Number | Period | Type | Dimensions | Report Reference |
|--|-----------------|--|--------------|--|
| <i>Sites Intersecting or Within the Project ADI</i> | | | | |
| CA-SDI-6119/ 19627 | Multi-component | Habitation/ Lithic scatter / roasting pits / historic refuse and foundations | 990 x 580 m | Jordan, 2010; Berryman, Rosenberg, and Dorrier 2009; Williams and Whitley 2011 |
| CA-SDI-18765 | Prehistoric | Quarry/Bedrock milling | 305 x 137 m | Rosenberg and Smith, 2008 |
| CA-SDI-21492 | Prehistoric | Lithic scatter / roasting pits | 22 x 18 m | Comeau and Hale 2014 |
| CA-SDI-21493 | Prehistoric | Lithic scatter / roasting pits | 38 x 31 m | Comeau and Hale 2014 |
| CA-SDI-21494 | Prehistoric | Artifact scatter | 81 x 85 m | Comeau and Hale 2014 |
| CA-SDI-21496 | Historic | Refuse deposit | 41 x 49 m | Comeau and Hale 2014 |
| CA-SDI-21497 | Historic | Refuse deposit | 43 x 70 m | Comeau and Hale 2014 |
| <i>Sites Outside the Project ADI (But Within the Project Area)</i> | | | | |
| CA-SDI-176 | Prehistoric | Habitation | 230 x 120 m | Treganza, 1940s; Hedges, 1979; Hector et al., 2006; Berryman et al., 2010 |
| CA-SDI-4448 | Prehistoric | Artifact scatter and roasting pit | 51-250 sq. m | Waldron, 1976 |

**Table 2.3-1
Cultural Resources Located Within the Project Area**

| Resource Number | Period | Type | Dimensions | Report Reference |
|-----------------------|-----------------|-------------------------------------|-----------------|---|
| CA-SDI-4477 | Prehistoric | Temporary Camp | 1001-5000 sq. m | Easland, 1976; Hector et al., 2006 |
| CA-SDI-7060 | Prehistoric | Habitation | 635 x 396 m | Townsend, 1979; Donovan, 1981; Hector et al. 2006; SWCA, 2008; Garcia-Herbst, et al. 2009; Berryman et al., 2010; |
| CA-SDI-7079/7080/7081 | Multi-component | Artifact scatter and Refuse scatter | | Cottreau, 1979; Moore, 1979; Townsend, 1979; Berryman, et al., 2010 |
| CA-SDI-20169 | Historic | Refuse scatter | 70 x 85 m | Cook et al., 2010 |
| CA-SDI-20276 | Multi-component | Temporary camp and Refuse scatter | 190 x 120 m | Williams, 2011 |
| CA-SDI-20279 | Multi-component | Refuse scatter and Artifact scatter | 45 x 40 m | Williams, 2011 |
| CA-SDI-20280 | Prehistoric | Lithic scatter | 10 x 15 m | Williams, 2011 |
| CA-SDI-20282 | Prehistoric | Lithic scatter | 30 x 20 m | Williams, 2011 |
| CA-SDI-20283 | Prehistoric | Artifact scatter | 25 x 25 m | Williams, 2011 |
| CA-SDI-20284 | Prehistoric | Artifact scatter | 10 x 20 m | Williams, 2011 |
| CA-SDI-20285 | Prehistoric | Artifact scatter | 20 x 25 m | Williams, 2011 |
| CA-SDI-20286 | Prehistoric | Artifact scatter | 40 x 35 m | Williams, 2011 |
| CA-SDI-20287 | Prehistoric | Lithic scatter | 12 x 8 m | Williams, 2011 |
| CA-SDI-20300 | Prehistoric | Temporary Camp | 175 x 35 m | Williams, 2011 |
| CA-SDI-21495 | Prehistoric | Human remains | 2 x 2 m | Comeau and Hale 2014 |
| CA-SDI-21498 | Prehistoric | Lithic scatter / roasting pits | 60 x 104 m | Comeau and Hale 2014 |
| CA-SDI-21499 | Prehistoric | Artifact Scatter | 32 x 59 m | Comeau and Hale 2014 |
| CA-SDI-21500 | Historic | Refuse Scatter | 40 x 32 m | Comeau and Hale 2014 |

Note: m = meter; sq. m = square meter.

**Table 2.3-2
Archaeological Site Management Recommendations**

| Site Number | Site Type | Time Range | Significance/ Eligibility Status | Impact | Recommendation/ Mitigation Measures | Impact Significance After Mitigation |
|-------------|------------|-------------|--|--------------------------|--|--------------------------------------|
| CA-SDI-176 | Habitation | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |

**Table 2.3-2
Archaeological Site Management Recommendations**

| Site Number | Site Type | Time Range | Significance/ Eligibility Status | Impact | Recommendation/ Mitigation Measures | Impact Significance After Mitigation |
|---|--|-----------------|---|-----------------------------|---|--|
| CA-SDI-4448 | Quarry and Temporary Camp | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; ; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-4477 | Temporary Camp | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; ; RPO: Significance Assumed Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-6119/19627 CA-SDI-7074/6119/ 19627 | Habitation/ Lithic Scatter/ Refuse Scatter/Foundations | Multi-component | Evaluated <u>Overall Site: Section 106: Significant; CEQA: Significant;</u> <u>Portion of Site in ADI: County: Important; CEQA: Not Significant, Not Contributing Element to Overall</u> <u>Site Significance; RPO: Not Significant; Section 106: Not Significant, Not Contributing Element to Overall Site Significance;</u> <u>Human Remains: CEQA & RPO Significant</u> <u>County: Important; CEQA: Not Significant; RPO: Not Significant; Section 106: Not Significant;</u> <u>Human Remains: CEQA and RPO Significant</u> | Significant | Recordation, Curation, Monitoring [M-CR-1] Human Remains: Avoidance – Open Space; Temporary Fencing [M-CR-2] | Less than significant Human Remains – No Significant Impact |
| CA-SDI-7060 | Temporary Camp | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |

**Table 2.3-2
Archaeological Site Management Recommendations**

| Site Number | Site Type | Time Range | Significance/ Eligibility Status | Impact | Recommendation/ Mitigation Measures | Impact Significance After Mitigation |
|-----------------------|-------------------------------------|-----------------|--|-----------------------------|--|--------------------------------------|
| CA-SDI-7079/7080/7081 | Artifact Scatter and Refuse Scatter | Multi-component | Not Evaluated County: Assumed Important; CEQA: Significance Assumed ; RPO: Significance Assumed Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-18765 | Lithic Quarry | Prehistoric | Evaluated County: Important; CEQA: Not Significant; RPO: Not Significant; Section 106: Not Significant | Significant | Recordation, Curation, Monitoring <u>[M-CR-1]</u> | Less Than Significant |
| CA-SDI-20169 | Refuse Scatter | Historic | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20276 | Temporary Camp and Refuse Scatter | Multi-component | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20279 | Refuse Scatter and Artifact Scatter | Multi-component | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20280 | Lithic Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |

**Table 2.3-2
Archaeological Site Management Recommendations**

| Site Number | Site Type | Time Range | Significance/ Eligibility Status | Impact | Recommendation/ Mitigation Measures | Impact Significance After Mitigation |
|--------------|------------------|-------------|--|-----------------------------|--|--------------------------------------|
| CA-SDI-20282 | Lithic scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; ; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20283 | Artifact scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20284 | Artifact Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20285 | Artifact Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20286 | Artifact Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-20287 | Lithic Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |

**Table 2.3-2
Archaeological Site Management Recommendations**

| Site Number | Site Type | Time Range | Significance/ Eligibility Status | Impact | Recommendation/ Mitigation Measures | Impact Significance After Mitigation |
|--------------|---------------------------------|-------------|--|-----------------------------|--|--------------------------------------|
| CA-SDI-20300 | Lithic Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-21492 | Artifact Scatter, Roasting Pits | Prehistoric | Evaluated County: Important; CEQA: Not Significant; RPO: Not Significant; Section 106: Not Significant | Significant | Recordation, Curation, Monitoring <u>[M-CR-1]</u> | Less Than significant |
| CA-SDI-21493 | Artifact Scatter | Prehistoric | Evaluated County: Important; CEQA: Not Significant; RPO: Not Significant; Section 106: Not Significant | Significant | Recordation, Curation, Monitoring <u>[M-CR-1]</u> | Less Than Significant |
| CA_SDI-21494 | Artifact Scatter | Prehistoric | Evaluated County: Important; CEQA: Not Significant; RPO: Not Significant; Section 106: Not Significant | Significant | Recordation, Curation, Monitoring <u>[M-CR-1]</u> | Less Than Significant |
| CA-SDI-21495 | Human Remains | Prehistoric | Not Evaluated County: Important; CEQA: Significance Assumed; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-21496 | Refuse Deposit | Historic | Evaluated County: Important; CEQA: Not Significant; RPO: Not Significant; Section 106: Not Significant | Avoided/ Not Significant | Recordation, Curation, Monitoring | No Significant Impact |
| CA-SDI-21497 | Refuse Deposit | Historic | Evaluated County: Important; CEQA: Not Significant; RPO: Not Significant; Section 106: Not Significant | Avoided/ Not Significant | Recordation, Curation, Monitoring | No Significant Impact |

**Table 2.3-2
Archaeological Site Management Recommendations**

| Site Number | Site Type | Time Range | Significance/ Eligibility Status | Impact | Recommendation/ Mitigation Measures | Impact Significance After Mitigation |
|--------------|-----------------|-------------|--|-----------------------------|--|--------------------------------------|
| CA-SDI-21498 | Lithic Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; ; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-21499 | Lithic Scatter | Prehistoric | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; ; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |
| CA-SDI-21500 | Historic Refuse | Historic | Not Evaluated County: Assumed Important; CEQA: Significance Assumed; ; RPO: Significance Assumed; Section 106: Not Evaluated | Avoided/ Not Significant | Avoidance – Open Space, Recordation, Curation, Monitoring, Temporary Fencing | No Significant Impact |

* HPRD = historic period refuse deposit