

# **APPENDIX 9.1-3**

## *Supplemental Cultural Resources Analysis*



## TECHNICAL MEMORANDUM

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**To:** Jacumba Solar LLC  
**From:** Micah Hale, Director of Cultural Resource Services  
**Subject:** Supplemental Cultural Resources Analysis  
**Date:** July 22, 2015

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### 1.0 INTRODUCTION

This memorandum provides information regarding decommissioning impacts. During the public review comment period for the Draft EIR, public comments were received seeking clarification regarding secondary impacts that may occur from the implementation of the mitigation measure M-AE-3 to decommission the solar facility. I am providing the following analysis of that activity as an expert in my field. This analysis does not change the conclusions regarding the level of significance of the prior analysis of Cultural Resources Inventory and Evaluation included in the Draft EIR. This memorandum analyzes the potential of implementing M-AE-3 to have a significant environmental impact related to cultural resources, and concludes that it would be consistent with the conclusions of the Draft EIR prepared and circulated for the development of the Proposed Project. Historic resources are not evaluated herein as none have been identified on the project site and would not be created as part of the proposed project.

### 2.0 REGULATORY SETTING

The regulatory setting remains as established in Section 2.3 of the Draft EIR and the Cultural Resources Inventory and Evaluation (Appendix 2.3-1 of the Draft EIR).

### 3.0 ANALYSIS

#### Decommissioning Impacts

As stated in Chapter 1, Project Description of the Draft EIR, the expected lifespan of the Proposed Project is estimated to be at least 30 years. Mitigation measure M-AE-3 requires decommissioning of the solar facility to reduce aesthetics impacts.

## **Archaeological Resources**

Project decommissioning 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 at depths greater than those disturbed during project construction. The impacts to cultural resources of undertaking the decommissioning mitigation would be similar to those associated with construction and would involve potential discovery during ground disturbing activities. In actuality the likelihood of impacting cultural resources, or discovering unknown resources, during decommissioning activities would be substantially reduced compared to construction as the activities during construction would have disturbed the ground and no additional disturbance footprint (vertically or horizontally) would be necessary for decommissioning.

Decommissioning activities would be within the ADI and no cultural resources located outside of the ADI would be affected; they would remain within the proposed dedicated open space. Evaluated sites include artifact scatters, lithic scatters, a quarry, roasting pits, temporary camps, and historic period refuse scatters. Surface observations, as well as formal subsurface evaluations, 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 of the Draft EIR).

Based on the Project design, two previously recorded archaeological sites (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, and thus the decommissioning, ADI and will be directly impacted/affected by ground-disturbing decommissioning 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 Draft EIR Appendix 2.3-1), or considered significant under the RPO. 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 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 and are not considered historic properties under Section 106. 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 decommissioning are considered **less than significant**. Furthermore, in actuality the likelihood of impacting cultural resources, or discovering unknown resources, during decommissioning activities would be substantially reduced compared to construction because the activities during construction would have disturbed the ground and no additional disturbance footprint (vertically or horizontally) would be necessary for decommissioning. However, as a conservative approach to ensure decommissioning activities would be undertaken in accordance with County guidance, mitigation measures identified for project construction in the Section 2.3 Cultural Resources of the Draft EIR (M-CR-1 and M-CR-2) in the event unknown resources are discovered would be required. This impact would be considered **potentially significant** consistent with the Draft EIR (**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 decommissioning by the perimeter fencing. Therefore, there will be **no significant impacts** to these resources (**CR- 2**).

### ***Human Remains***

Human remains, including those interred outside of formal cemeteries were identified during the evaluation phase. Two sites, Locus 3 of 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 of the Draft EIR).

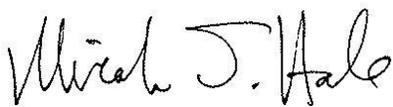
These two areas were identified during the evaluation phase, and were treated in accordance with California law. Both locations where bone fragments were discovered have been avoided

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 decommissioning because both discovery locations have been avoided through project design changes and will be protected by exclusionary fencing.

The likelihood of discovering human remains during decommissioning activities would be substantially reduced compared to construction as the activities during construction would have disturbed the ground and no additional disturbance footprint (vertically or horizontally) would be necessary for decommissioning. 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**.

#### **4.0 CONCLUSIONS**

Decommissioning activities would be expected to result in substantially less disturbance than during construction, and decommissioning-related ground disturbing activities would occur in locations disturbed by project construction. However, for the purposes of a conservative analysis, it was assumed that decommissioning would result in disturbance similar to those estimated for the Proposed Project construction activities. As with the construction, impacts from project decommissioning are considered **less than significant**. However, as with construction, 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)**, consistent with the construction impacts identified in the Draft EIR. As with the construction, with implementation of M-CR-1 impacts from project decommissioning would be reduced to **less than significant**.



Micah Hale  
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