

Comment Letter N

**RINCON BAND OF LUISEÑO INDIANS**  
Culture Committee

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March 20, 2013

County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123  
ATTN: Carl Stiehl

Re: Notice of Availability of a Draft Environmental Impact Report; POD 11-011, LOG NO.  
3803 11-011; SCH NO. 2012011052; Tiered Equine Ordinance

Dear County of San Diego Planning and Development Services:

This letter is written on behalf of the Rincon Band of Luiseño Indians, and is in response to the Notice of Availability of a Draft Environmental Impact Report of February 04, 2013 regarding the above named project. A portion of the proposed project is located within the Aboriginal Territory of the Luiseño people, and is also within Rincon's historic boundaries; specifically, the project areas identified in North San Diego County give us concern. Considering the significant amount of known archaeological resources in San Diego County, we express our concern for the protection of existing cultural resources, and for any future inadvertent archaeological discoveries that could be made at the various project sites.

The Draft EIR at Section 2.5, Cultural and Paleontological Resources, gives analysis to the potential impacts to Native American sacred sites and human remains. At Page 2.5-30, the Report concludes that impacts to archaeological resources and human remains "would remain significant and unavoidable" due to the inability to identify appropriate mitigation measures relative to these areas. While we appreciate the Report's efforts in addressing issues pertaining to archaeological resources and human remains, we disagree with the assessment that there are no mitigation measures to reduce impacts.

An avoidance alternative would certainly reduce impacts to culturally significant sites. Also, consultation with local Tribal Governments and the Native American Heritage Commission (NAHC) would help identify cultural sites located in development areas. Additionally, we recommend that Native American Monitoring be included for all ground disturbance activities at project site locations.

If you have any questions, please contact (760) 297-2635. Thank you for this opportunity to protect and preserve our cultural assets.

Sincerely,

Rose Duro  
Rincon Culture Committee Chair

Bo Mazzetti  
Tribal Chairman

Stephanie Spencer  
Vice Chairwoman

Steve Stallings  
Council Member

Laurie E. Gonzalez  
Council Member

Frank Mazzetti III  
Council Member

**Response to Comment Letter N**

**Rincon Band of Luiseño Indians**  
**Culture Committee**  
**Rose Duro**  
**March 20, 2013**

- N-1** This comment is introductory in nature and does not raise an environmental issue for which a response is required.
- N-2** This comment is introductory in nature and does not raise an environmental issue for which a response is required.
- N-3** Page 2.5-30 of the DEIR states "Feasible and enforceable mitigation measures that would reduce direct and cumulative impacts to archaeological resources could not be identified." This statement does not imply that appropriate mitigation measures could not be identified as the commenter has suggested. Rather, this statement explains that the County went through the process of identifying mitigation measures, and those that would reduce impacts to less than significant were deemed infeasible for reasons such as: (1) the County does not have access to all of the potential future sites for development of equine uses, (2) the County does not have the legal right to survey all potential historic sites in the unincorporated area, and (3) surveying or grading monitoring would

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## Response to Comments

	<p>directly conflict with the streamline permit process (Project Objective 1) because once the ministerial permit is issued there are no on-going or follow-up actions between the County and the applicant. Please refer to Response P-4 and Section 2.5.6 of the DEIR for further details. The County is willing to consider any additional feasible mitigation.</p> <p><b>N-4</b> The County is not clear on what an “avoidance alternative” would entail. The No Project Alternative as analyzed in Section 4.4 of the DEIR would maintain the existing Zoning Ordinance, which requires a Major Use Permit (MUP) for new equine uses. Therefore, all future equine uses would require discretionary review and would be subject to CEQA.</p> <p><b>N-5</b> The Proposed Zoning Ordinance Amendment would continue to require consultation with local Tribal Governments and the Native American Heritage Commission (NAHC) for future equine uses under Tier Three and Tier Four.</p> <p><b>N-6</b> Pursuant to existing regulations, Native American monitoring will be required for Tier Three and Tier Four Projects. Section 2.5.2 of the DEIR addresses Section 87.430 of the Grading Ordinance, which provides for the requirement of a paleontological monitor. Section 2.5.2 the DEIR describes the procedures pursuant to Section 15064.5e of the CEQA Guidelines, Section 5097.98 of the Public Resources</p>
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## Response to Comments

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	<p>Code, and Section 87.429 of the Grading Ordinance in the event of the discovery of human remains. The Proposed Zoning Ordinance Amendment would not eliminate the need to provide such monitoring and environmental review for Tier Three and Tier Four equine uses. Native American monitoring would not be required for Tier One and Tier Two equine uses because, as stated in Section 2.5.6 of the DEIR, monitoring would directly conflict with the streamline permit process (Project Objective 1) because once the ministerial permit is issued there are no on-going or follow-up actions between the County and the applicant. Please refer to Response P-4 and Section 2.5.6 of the DIER for further details.</p> <p><b>N-7</b> This comment concludes the letter and does not raise a significant environmental issue for which a response is required.</p>
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