

Draft Responses to Comment Letter Y

Pechanga Tribe
 Anna Hoover
 March 18, 2013

	Comment	Response to Comment
Y -1	This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, “the Tribe”), a federally recognized Indian tribe and sovereign government.	This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
Y -2	The Tribe formally requests, pursuant to Public Resources Code §21092.2, to continue to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the “Project”).	This comment is acknowledged. The tribe will continue to be notified throughout the CEQA environmental review process.
Y -3	Please also incorporate these comments into the record of approval of this Project.	The Tribe’s comments will be in the Final SEIR and made part of the project record.
Y -4	The Tribe submits these comments concerning the Project’s potential impacts to cultural resources in conjunction with the environmental review of the Project and to assist the County in developing appropriate avoidance and preservation standards for impacts to Cultural Resources. The Tribe has reviewed the Draft Supplemental Environmental Impact Report (DSEIR) and thanks the County of San Diego for including standard policies relating to the Resource Protection Ordinance (RPO) and cultural/historic resource protection mitigation measures.	This comment does not raise any issue for which a response is required.
Y -5	The Tribe met with the County for our SB18 government-to-government meeting on September 26, 2012. We understand from our meeting and our review of the DSEIR that overall, the proposed densities of the former-FCI lands will be reduced, which will result in reduced environmental impacts. The Tribe is primarily concerned about lands that are in the Pendleton/DeLuz CPA and the North Mountain Subregion	The County agrees with this comment.

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	areas and are pleased that proposed development impacts to these areas will be reduced. We thank the County for taking steps to reduce impacts to cultural resources and the environment.	
Y -6	Additionally, the Tribe would like to emphasize that no project evaluation is complete without contacting and consulting with tribes. Tribal knowledge is often more extensive than what can be identified in archaeological institutions and records. The Pechanga Tribe has a wealth of information that is not available through public information. As such, consultation for projects in the identified areas of concern is essential to understanding the suite of impacts that may occur to cultural resources. Our information provides a larger, fuller picture of the landscape and ties in the physical remains (archaeological sites) with named places, Traditional Cultural Properties (TCP's) and other cultural data. Tribes can also assist archaeologists with answering research questions and determining the significance of physical remains.	SB-18 Consultation was conducted for this project with the Pechanga tribe. Any application for a discretionary project would undergo environmental review which includes a review for cultural resources. As part of that review, the County engages in Sacred Lands and/or SB-18 consultations. Consultation includes communicating with and understanding the concerns of the tribes and identifying and implementing mitigation measures as required under Federal, State and local regulations.
Y -7	Based upon our concerns presented above, the Tribe suggests that the following mitigation measures be revised to include more tribal input and consultation requirements so that a broad analysis of cultural resources can be included for future implementing projects. Cul-2.1 Develop management and restoration plans for identified and acquired properties with cultural resources <u>in coordination with the appropriate Native American tribe(s)</u> .	The County agrees with this comment and has added the requested language to Mitigation Measure Cul-2.1 in Section 2.5.4.2 of this SEIR.

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Y -8	Cul-2.5 Protect undiscovered subsurface archaeological resources by requiring grading monitoring by a qualified archaeologist and a Native American monitor for ground disturbing activities in the vicinity of known archaeological resources, and also, when feasible, during initial surveys.	The County does not agree with the requested change. County staff has found that, typically, it is feasible to have a Native American monitor present during initial surveys. This type of mitigation is outlined in the County’s Guidelines for Determining Significance – Archaeological & Historic Resources. However, since this mitigation measure will require the presence of a monitor, it is essential that the feasibility of having a monitor present during initial surveys be taken into account.
Y -9	Cul-2.6 Protect significant cultural resources by facilitating the identification and acquisition of important resources through regional coordination with agencies, and institutions, such as the SCIC and consultation with the NAHC and local tribal governments, including <u>CEQA and SB-18</u> review, while maintaining the confidentiality of sensitive cultural information.	The County does not agree with the change requested in this comment. The County is requiring that research be conducted at the South Coastal Information Center (SCIC) for any cultural study that is submitted for review. In addition, the County is a subscriber to the SCIC and has access to the GIS data provided by the SCIC for review of cultural resources during the environmental processing of discretionary projects. CEQA does not require consultation except when human remains are encountered. The County does engage in consultation with the Native American Heritage Commission (NAHC) and local tribes under Sacred Lands Checks and SB-18 consultation requirements (see also comment Y-6 above).
Y -10	Cul-2.7 <u>If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24</u>	This comment would add a new mitigation measure addressing what should occur when human remains are encountered. The County already requires that all projects comply with Health and Safety Code Section 7050.5 and Public Resources Code 5097.98 should human remains be encountered. The specific steps outlined in the regulations cited above and CEQA Section 15064.5(e) must be followed. Therefore, the suggested language would not be mitigation and is not included in the SEIR.

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	<p><u>hours. The Native American Heritage Commission must then immediately identify the “most likely descendent(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.</u></p>	
<p>Y -11</p>	<p>The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project’s impacts to cultural resources and potential mitigation for such impacts.</p> <p>The Pechanga Tribe looks forward to working together with the County of San Diego in protecting the invaluable cultural resources found within the County boundaries. Please contact me at 951-770-8104 or at ahoover@pechanga-nasn.gov if you have any comments or questions. Please also forward a copy of the final DSEIR to us for our review and files. Thank you.</p>	<p>The County appreciates this comment and will coordinate closely with the Tribe as the FCI Lands GPA project moves forward.</p>