

Comment Letter S2

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

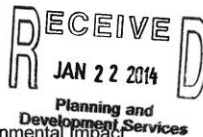
NATIVE AMERICAN HERITAGE COMMISSION

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January 16, 2014

Mr. Robert Hingtgen, Environmental Planner
**County of San Diego planning &
Development Services Department**
5510 Overland Avenue, Suite 310, MS O-850
San Diego, CA 92123



RE: SCH#2012121018 CEQA Notice of Completion; draft Environmental Impact
Report (DEIR) for the **"Soitec Solar Development Program
Environmental Impact Report Project;"** located in the Boulevard-Tierra
Del Sol; Mountain Empire Region; eastern San Diego County, California

Dear Mr. Hingtgen:

The Native American Heritage Commission (NAHC) has reviewed the
above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project
which includes archeological resources, is a significant effect requiring the
preparation of an EIR (CEQA guidelines 15064.5(b)). This area is known to local
tribes and to the NAHC as very culturally sensitive. There are a number of
recorded sacred sites near the project site(s). To adequately comply with this
provision and mitigate project-related impacts on archaeological resources, the
Commission recommends the following actions be required:

Lead agencies should include in their mitigation plan provisions for the
identification and evaluation of accidentally discovered archeological resources,
pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas
of identified archaeological sensitivity, a certified archaeologist and a culturally
affiliated Native American, with knowledge in cultural resources, should monitor
all ground-disturbing activities. Also, California Public Resources Code Section
21083.2 require documentation and analysis of archaeological items that meet
the standard in Section 15064.5 (a)(b)(f).

We suggest that this (additional archaeological activity) be coordinated
with the NAHC, if possible. The final report containing site forms, site
significance, and mitigation measures should be submitted immediately to the
planning department. Any information regarding site locations, Native American
human remains, and associated funerary objects should be in a separate

S2-1

Response to Comment Letter S2

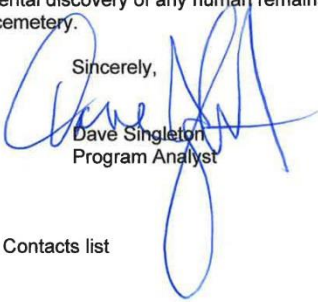
Native American Heritage Commission

Dave Singleton

January 22, 2014

S2-1

The County of San Diego appreciates this comment. The proposed project is conditioned with an archaeological monitoring program that includes both a County approved archaeologist and Kumeyaay Native American monitor. The monitoring program requires curation of artifacts at a San Diego County curation facility or culturally affiliated Tribal curation facility. In lieu of curation, the prehistoric artifacts may be returned to a culturally affiliated Native American Tribe. A final report will also be required whether the monitoring is positive or negative. A copy of the final report will be forwarded to the Native American Heritage Commission (NAHC) and confidential information will not be made available for public disclosure. No revisions to the environmental document are required based on this comment.

<p>confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.</p> <p>A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources.</p> <p>California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (The California Code is consistent with the Federal Executive Order 12898 regarding 'environmental justice.' Also, applicable to state agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.</p> <p>Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.</p> <p>Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.</p> <p>Sincerely,  Dave Singleton Program Analyst</p> <p>CC: State Clearinghouse</p> <p>Attachment: Native American Contacts list</p>	<p>S2-2</p> <p>The County concurs with this comment and has engaged in appropriate tribal consultation. Letters to the NAHC were sent on November 7, 2011, and the NAHC replied on November 18, 2011. Additional letters to tribal contacts were sent on June 18, 2012, July 5, 2012, and March 5, 2012. Furthermore, the County initiated SB-18 consultation on April 10, 2014. The NAHC replied on April 11, 2014 and letters requesting input from the Native American community were forwarded on April 14, 2014. To date, nor response has been received from any contacted Tribe. No revisions to the environmental document are required based on this comment.</p> <p>S2-3</p> <p>The County concurs with this comment. The Archaeological Monitoring condition includes language that avoidance of cultural sites including sacred sites should be considered first. If avoidance is not feasible, then data recovery is identified as an appropriate measure. Furthermore, the Monitoring Program also includes the requirement that State Law be followed in the event that human remains are discovered. No revisions to the environmental document are required based on this comment.</p>
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**Native American Contacts
San Diego County California
January 16, 2014**

Barona Group of the Capitan Grande
Clifford LaChappa, Chairperson
1095 Barona Road Diegueno
Lakeside , CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

Sycuan Band of the Kumeyaay Nation
Daniel Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon , CA 92019
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard , CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Viejas Band of Kumeyaay Indians
Anthony R. Pico, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine , CA 91903
jhagen@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
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ljbirdsinger@aol.com
(619) 766-4930
(619) 766-4957 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
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Alpine , CA 92001
(619) 445-0385

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center, CA 92082
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Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno/Kumeyaay
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(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SSC#H2012121018; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Soltec Solar Development Program Environmental Impact Report Project; located in the Boulevard-Tierra Del Sol area of eastern San Diego County, California.

References

14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

California Public Resources Code, Section 5097.98. Notification of Discovery of Native American Human Remains, Descendants; Disposition of Human Remains and Associated Grave Goods. <http://www.nahc.ca.gov/cpr.html>.

**Native American Contacts
San Diego County California
January 16, 2014**

Jamul Indian Village
Raymond Hunter, Chairperson
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Diegueno/Kumeyaay

Viejas Band of Kumeyaay Indians
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(619) 445-3810
(619) 445-5337

Diegueno/Kumeyaay

Mesa Grande Band of Mission Indians
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Santa Ysabel, CA 92070
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(760) 782-9092 Fax

Diegueno

Ewilaapaay Tribal Office
Will Micklin, Executive Director
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wmicklin@leaningrock.net
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(619) 445-9126 - fax

Diegueno/Kumeyaay

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
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Pine Valley, CA 91962
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Diegueno -

Ipay Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
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cjlinton73@aol.com

Diegueno/Kumeyaay

Inaja Band of Mission Indians
Rebecca Osuna, Chairman
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Diegueno

Kumeyaay Diegueno Land Conservancy
Mr. Kim Bactad, Executive Director
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(619) 659-1008 - Office
kimbactad@gmail.com

Diegueno/Kumeyaay

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**Native American Contacts
San Diego County California
January 16, 2014**

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator; Viejas THPO
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frbrown@viejas-nsn.gov
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Kumeyaay Cultural Repatriation Committee
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(KCRC is a Coalition of 12
Kumeyaay Governments)
bp@lapostatiribe.com

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SCH#2012121018; CEQA Notice of Completion; draft Environmental Impact Report (EIR) for the Soltec Solar Development Program
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