



San Diego County Archaeological Society, Inc.

Environmental Review Committee

27 July 2014

To: Mr. Mark Slovick
Department of Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Revised Draft Environmental Impact Report
Lilac Hills Ranch Project
PDS2012-3800-12-001, PDS2012-3810-12-001, PDS2012-3600-12-003,
PDS2012-3100-5571, PDS2012-3100-5572, PDA2012-3300-12-005,
PDS2012-3500-12-018, Log No. 3910-12-02-003

Dear Mr. Slovick:

I have reviewed the cultural resources portions of the subject Draft Revised EIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the Revised DEIR, including its Appendices H-1 and H-2, we have the following comments:

On page S-36, the line above "The letter shall include..." should be removed.

In Table 1-3, on page 1-59 of the Revised DEIR, the last bullet says "...if human remains or artifacts are unearthed..." It should only refer to human remains, as the coroner and Native American Heritage Commission are not notified of the discovery of artifacts.

Regarding site SDI-20436, we appreciate the additional information in the Revised DEIR (M-CR-1, page 2.6-19) that the location recorded as SDI-20436 is very important to the Luiseño people. Given that information, we would urge ceasing orchard operations on the entire site, not just the eastern portion. Given the reported site size of 60 by 65 meters and a tree spacing of 30 feet, the entire area, including that in the proposed open space and assuming a rectangular site area, would only support 47 trees. Removing it from future agricultural use would thus prevent any further impacts to the important site, avoid the costs of the Phase 2 testing program, prevent the loss of both the cultural and scientific values of the site, and also avoid any future and ongoing management issues of that portion of SDI-20436, at the cost of a few dozen trees.

In mitigation measure M-CR-2, the words "or other agreed upon mitigation", have been inserted in a.(6). As an alternative to a research design and data recovery program is proposed to be

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

allowed for mitigation for significant cultural resources, mitigation for which is required by CEQA, such measures need to be publicly disclosed. Also, a statement of overriding considerations would be necessary if the recommended mitigation is not to be (or may not be) required.

Also in mitigation measure M-CR-2, in a.(9), we agree with the addition of "or a culturally affiliated Tribal curation facility", though that may require some leeway for the requirement for it to be located in the county, so that the 36 CFR 79 facility at Pechanga could be used. That would make unnecessary the "Or" clause that permits simply turning over the collection to "the appropriate Luiseño tribe", including avoiding any disputes over which tribe is the "appropriate" one. But it also avoids the loss of the scientific information contained in the artifacts and associated records, only a portion of which is captured by the analysis.

SDCAS fully supports the respectful treatment and repatriation of any Native American human remains or associated burial material. Other recovered material should be properly curated, as the County has been requiring for nearly 15 years. This honors the cultural values while also providing for preservation of the scientific values for current and future generations of all Californians. And note that that collections are not only of value archaeologically. They can provide important data for important climate change investigations, wildlife studies, and more.

Beyond even that, the Register of Professional Archaeologists' Standards of Research Performance (see <http://rpanet.org/displaycommon.cfm?an=1&subarticlenbr=4>) requires that "Specimens and research records resulting from a project must be deposited at an institution with permanent curatorial facilities, unless otherwise required by law." And the organization's Code of Conduct (see <http://rpanet.org/displaycommon.cfm?an=1&subarticlenbr=3>) says that "an archaeologist shall:...Refuse to comply with any request or demand of an employer or client which conflicts with the Code and Standards". The current provisions of this EIR would require the principal investigator to violate both the RPA Code and Standards. That would, presumably, also be the case for a jurisdiction's archaeologist.

Simple changes (putting all of SDI-20436 in open space and requiring curation, potentially at a culturally affiliated tribal curation facility meeting 36 CFR 79) are readily available to resolve the above serious problems in the Revised DEIR. We urge the DEIR to be modified accordingly.

Thank you for the opportunity to review and comment upon this project's environmental documents.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Affinis
SDCAS President
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