

Letter C1n

Cultural Resources Subchapter 2.6 1

DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001 (GPA),PDS2012-3810-12-001 (SP)

Cultural Resource Report and Addendum: DEIR Lilac Hills Ranch

- 1. The Technical Report (TR) and DEIR address the cultural features individually. In very important ways, it seems to fail to view the Project area overall. DEIR Section 2.6.3 Cumulative Impact Analysis states:

"the confluences of drainages are often major habitation site locations" and that "the San Luis Rey river valley comprised a major travel corridor and its confluence with Horse Ranch Creek was a focus of prehistoric habitation." It further states "that Tom-Kav (CA-SDI-682; the Pankey Site) is documented in that area." The DEIR goes on to say that "a similar situation is found at the confluence of Moosa Canyon and the South Fork of Moosa Canyon, near Gopher Canyon. CA-SDI-5072 and associated sites have been suggested as the Luiseño village of Moosa."

The documented presence of artifacts and sites seem to support the richness of the Project site and surrounding areas. The proposed mitigations and preservation procedures appear to be piecemeal for a project as large and transformative as LHR.

If approved with a determination of less than significant impact, would not the Project cause the loss of individual sites with their information, as well as the basic integrity of the cultural significance of the larger area, and squander the opportunity for future generations to study and appreciate it?

How does the Project plan to determine if such a large center of civilization existed in the Lilac Hills Ranch (LHR) project area?

How will the Project address further necessary consultation given the size (as well as location) of this Project?

How will piecemeal mitigations and procedures be avoided to assure accurate and complete overall evaluation of the Project?

- 2. The following is stated in the DEIR (2.6.5.1 Archaeological Resources M-CR-1):

"In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural resources."

What measures will be used to determine the monitor's credentials and objectivity?

Will leading and properly trained tribal members from all local bands of Luiseño native Americans be consulted: 1) to determine who the monitor will be; and 2) when a potential finding is recognized?

How might this broad consultation mechanism be put into place?

C1n-1

C1n-2

C1n-1 It is noted that the FEIR subchapter 2.6.3 cultural resource cumulative analysis quoted in this comment differs than what was included in the FEIR.

The FEIR appropriately analyzed all project impacts together and the FEIR does not piecemeal the project as the comment suggests. Due to the variation between archaeological sites and the CEQA criteria for determining significance, each individual archaeological site must be evaluated for significance individually and, if necessary, mitigation must be developed specifically for each archaeology site. The analysis evaluates the entire site and off-site improvement areas as a whole and, as this comment points out, in the context of the cumulative study area.

As indicated in the FEIR, the project would preserve all known on-site resources that meet the CEQA significance criteria. The FEIR identifies potentially significant impacts to unknown resources and an off-site site CA-SDI-5072 and identifies mitigation (M-CR-2 and M-CR-3) for those potential impacts. The importance of cultural resources under CEQA is tied to the archeological information the resources have. The proposed mitigation includes curating or, as appropriate, repatriating recovered materials. Also, documentation of the sites would be archived at the South Coastal Information Center (SCIC) that serves to make the information available to future researchers, so that associations with other sites and the overall area can be better addressed. As the proposed preservation and project mitigation preserves the archeological resource information for the future, the project's impacts are considered mitigated to below a level of significance.

In the results section of the cultural resources study (Appendix H-1) and FEIR subchapter 2.6.1.5, it was determined that all four of the sites tested were processing locations and that one of the sites also included a temporary habitation component. The determination was made based on the lack of midden soils and low density of artifacts. In addition, all of the milling features are slicks; no basins, mortars, or cupules were identified. The lack of variety of milling features also indicates that these sites are not habitation but resource processing areas. The one site that was determined to be a temporary habitation site was based on artifact density. Refer to the cultural resources study (Appendix H-1) and FEIR subchapter 2.6.1.5 for additional information.

LETTER

RESPONSE

	<p>C1n-1 (cont.)</p> <p>Consultation (SB 18) between the applicant, the County, and the Native American community is ongoing and is required as a matter of law. Native American monitoring is required for the project (M-CR-1 to M-CR-3). Consultation with the Luiseño Native American monitor is required during archaeological monitoring including if cultural resources are identified. If human remains are identified, consultation with the Most Likely Descendant (MLD) would also be required.</p> <p>The FEIR addresses the project as a whole and does not piecemeal the project. As indicated above, a thorough cultural resources survey of the project site that meets industry and County standards was conducted to identify any cultural resources. As such, the integrity of the project site in relation to the larger area would be preserved in the information that was obtained during the study. The FEIR identifies impacts for the entire project and mitigation to reduce potentially significant impacts to below a level of significance.</p> <p>C1n-2</p> <p>It is noted that M-CR-1 included in the FEIR and FEIR does not include a data recovery program and instead requires preservation of the portion of CA-SDI-20436 that is considered significant.</p> <p>Monitors must have the education and experience necessary to conduct monitoring and will be under the direction of a Principal Investigator who is on the County's list of Approved Consultants.</p> <p>Several Luiseño tribes have monitoring capabilities with monitors who have experience and training in working with archaeologists and monitoring during earth-disturbing activities. The Principal Investigator who conducts the monitoring program would be responsible for overseeing and contracting with appropriate Luiseno Native American monitors.</p> <p>Consultation during earth-disturbing activities is incorporated into the conditions of approval. Furthermore, if human remains are identified, consultation with the MLD is required. As indicated above, consultation (SB-18) between the applicant, the County, and the Native American community is ongoing and required by law.</p> <p>The County is in agreement that the area in which the project is located is rich in cultural resources. This is why the FEIR identifies a potentially significant impact to unknown subsurface archaeological impacts and requires mitigation that includes monitoring and, as necessary, curation or repatriation of discovered materials.</p>
--	---

LETTER

RESPONSE

<p>These concerns seem particularly relevant in light of the fact that the TR states that this is an area which has the potential for rich archeological findings and that many diverse tribes could have inhabited this and surrounding areas, many with different types of settlements, yet to be discovered.</p> <p>3. 2.6.5.1 Archaeological Resources M-CR-1: <i>Prior to approval of a Final Map, the applicant shall implement the data recovery program prepared by Mary Robbins-Wade (Affinis 2013) for site CASDI-20436. The data recovery program shall be implemented prior to the commencement of any grading and/or improvements. All data recovery shall include a Luiseño Native American monitor.</i></p> <p>Who will the monitor be and will that monitor be acceptable to at least a majority of the tribes involved and affected?</p> <p>4. Under 2.6.1.3 Methods (DEIR), Appendix H-1. Walking parallel transects spaced 10 meters to 15 meters apart appears to be inadequate under the circumstances. What is the justification for such a 'wide net'?</p> <p>If review of the justification by the local tribes shows the methodology to be inadequate, describe and submit a more rigorous search methodology.</p> <p>5. Under 2.6.1.4 Records Search Results: <i>CA-SDI-4808 was originally recorded during the archaeological survey for the proposed I-15. It was described as a "small milling site, which may be considered a branch of CASDI-4807. CA-SDI-4808 was tested in 1978 to determine site boundaries and evaluate significance. The report concluded that the assemblage appears to be much too limited to make a case for any type of site, which would be distinct from the two villages during San Luis Rey II times. The previous survey concluded that no hypothesis can be made at this time regarding its function during a possible earlier occupation."</i></p> <p>The 1978 study is quite old and likely limited. What is the justification for not requiring a more contemporary study that is properly and thoroughly conducted?</p> <p>If review of the justification by the local tribes shows the study to be inadequate, describe and submit a more rigorous research approach.</p> <p>A separate village site from those already known and from a different era could be a significant finding. New light would potentially be shed from an up-to-date study.</p> <p>6. 2.6.1.4 Records Search Results</p> <p>The TR and DEIR propose to use studies that are nearly 35 years old. Should they be re-examined by today's standards and in the light of additional information?</p> <p>In addition, local tribes have advanced significantly in American society in terms of: finance, poverty/wealth and education. Many more Native Americans have been schooled in archeology in particular. A more contemporary study, properly and thoroughly conducted would likely yield significantly different results. A prime example of the benefits of a more current study would be to shed some light upon the potential separate village site, apart from those already known.</p>	<p>C1n-3 The project mitigation has been revised to require the preservation of CA-SDI-20436 in open space instead of a data recovery program. In general, as addressed above, the Principal Investigator would be responsible for contracting Luiseño monitors through one of the tribal entities with trained monitors. There is no effective mechanism to guarantee that any monitor would be acceptable to all or a majority of the tribes.</p> <p>C1n-4 This is the standard transect spacing used in archaeological surveys. The archaeologists thoroughly checked bedrock outcrops, cut banks or other exposed soil profiles, and other high-potential areas during the evaluation. No comments have been expressed by the Tribes disagreeing with the methodology that was used.</p> <p>C1n-5 CA-SDI-5072 was originally recorded in 1977 and was noted as a village site. CA-SDI-4808 was addressed as a previously recorded site in proximity to proposed off-site improvements for the project. It was subsumed under CA-SDI-5072 in 1980 in the area of impact and no resources were identified. The site is located in an area where trenching for signalization is required and the FEIR identifies a potentially significant impact to this site (Impact CR-3). If the trenching for the signalization cannot be accommodated within the existing fill layer above the native soils, mitigation M-CR-3 that includes a capping program is required. No further study is required. Archaeological monitoring is required for all off-site improvements as a part of mitigation M-CR-2. See response to comment C1n-2 above regarding the requirements of archaeological monitoring including the identification of unidentified, buried resources.</p> <p>C1n-6 The records search addresses previous studies to give a background for understanding the current study. A thorough cultural resources survey was conducted for the project, which included Native American consultation (SB 18) and the presence of Luiseno Native American monitors during all fieldwork. All Luiseno Tribes were invited to consultation under SB 18. Only Soboba, Pechanga, Rincon, Pala, and San Luis Rey requested consultation which has been ongoing throughout the processing of the project. Consultation with Pala has been concluded and consultation is ongoing with all of the other Tribes. Also see response to comment C1n-1 above regarding the study.</p>
--	---

Cultural Resources Subchapter 2.6 3

Isn't it likely that the involvement of more tribes with members who have more sophisticated archeological skills could shed new light upon the current cultural resource picture?

7. 2.6.1.5 Summary of Survey and Testing Results

"Eight houses within the project site are potentially over 45 years old based on maps and aerial photographs."

Could this area be considered an historic district because of the sheer amount of properties over 49 years old?

How have these types of settlements been treated regarding archeological significance in other circumstances: regionally, in California and in other parts of the United States?

C1n-6 cont.

C1n-7

C1n-7 The presence of eight homes within the approximately 600-acre project site does not itself constitute a historic district. To be designated as a historic district, the houses would be required to meet the criteria for listing on the California Register of Historical Resources (see FEIR subchapter 2.6.1.2). When taken individually or collectively, the eight houses on-site do not meet the criteria for listing on the California Register. As detailed in the FEIR subchapter 2.6.1.5, seven of the eight houses within the project site that are over 45 years old were built between 1953 and 1964. They are typical post-World War II residential construction, lacking historical or architectural significance taken individually or collectively. The single house that predates 1950 has been substantially remodeled and does not retain the necessary integrity to qualify as a significant resource. In addition, this house is not architecturally or historically significant either individually or as a contributor to a district. The FEIR subchapter 2.6.2.1 was updated to clarify this.

Archaeological monitoring is required by M-CR-2 for all earth-disturbing activities, including areas of the project site in which these structures are located.