



# San Diego County Archaeological Society, Inc.

Environmental Review Committee

10 February 2014



Planning and  
Development Services

To: Mr. Robert Hingtgen  
Department of Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 110  
San Diego, California 92123

Subject: Draft Program Environmental Impact Report  
Soitec Solar Project (Tierra del Sol, Rugged Solar, LanWest and LanEast)  
Log No. PDS2012-3910-120005, GPA 3800-12-010, MUP 3300-12-010,  
REZ 3600-12-005, AP 3921-77-046-01, MUP 3300-12-007

Dear Mr. Hingtgen:

I have reviewed the subject Draft Program EIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DPEIR and its four archaeological reports, we have the following comments:

- (1) All of the archaeological reports appear adequate as regards the surveys and impact analysis.
- (2) As this EIR is at a programmatic level, we acknowledge that specific mitigation measures for each site potentially impacted directly or indirectly will be identified and recommended at a project level. SDCAS requests being included in the public review of the resulting environmental document(s).
- (3) Section 6.2.1 of the archaeological evaluation report for the Rugged Solar project is internally inconsistent. The fourth line of the section calls (as do the other three archaeological reports) for "curation of all collected artifacts". However, later in the same paragraph, it provides an alternative that "artifacts collected during the current testing program...alternatively may be repatriated to a culturally affiliated Tribe." SDCAS fully supports repatriation in accordance with the national standards established by the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). NAGPRA was created to distinguish between items that were to be made available to Native American groups and those that were to be retained for future scientific studies. In essence, it established the distinction between respect of cultural values of the culturally-associated group and the legitimate scientific interests of all citizens.

NAGPRA standards have generally been accepted in the county as setting the criteria for determining what material is to be repatriated, human remains, associated grave goods and items of cultural patrimony. Definitions for those categories appear in NAGPRA. As noted above, they do not extend to repatriation of *all* prehistoric cultural materials.

Furthermore, requiring the project archaeologist to repatriate all prehistoric material is not in accordance with the Standards of Research Performance of the Register of Professional Archaeologists, the organization which the County acknowledges as setting the professional requirements for archaeologists practicing in the county.

And repatriation of all prehistoric material without curation also violates the County's own documents, *Guidelines for Determining Significance: Cultural Resources: Archaeological and Historic Resources* and *Report Format and Content Requirements: Cultural Resources: Archaeological and Historic Resources*, revisions to both dated December 5, 2007 and posted on the County's website. It is noted that these documents were developed through a public review process and adopted by action of the Board of Supervisors.

Section 5.0 of the former document, *Guidelines for Determining Significance*, on page 22, states that "The primary goal of cultural resource mitigation and design considerations is the avoidance, preservation, data recovery, and curation of significant cultural resources, thereby preserving what would otherwise be destroyed and lost due to construction and development activities." It also cites, under State Regulations and Standards, on page 38, the *Guidelines for the Curation of Archaeological Collections, 1993*, stating "Archaeological collections and their associated records that are created by compliance with state environmental laws, regulations, and guidelines must be housed at qualified repositories that have the capability to ensure adequate permanent storage, security, and ready access to qualified users." Permanent curation at a facility, Native American or otherwise, which meets the standards of 36CFR79, after repatriation of materials in accordance with the NAGPRA standards would satisfy that requirement. Repatriating non-NAGPRA materials does not.

The County's *Report Format and Content Requirements* document provides standard wording for mitigation measures, all of which include curation.

In conclusion, SDCAS agrees with the impact analysis for the four projects covered but believes the paragraph "Evidence that all prehistoric materials...have been received", on pages 7.0-24 and 7.0-29, must be removed to comply with State, County and professional standards.

Sincerely,

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

cc: Dudek  
Pacific West Archaeology  
SDCAS President and Board  
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