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Devon Muto, Project Manager
County of San Diego General Plan
5201 Ruffin Road, Suite B
San Diego, CA 92123

By Confirmed Fax 858.694.2555 & Email

January 19, 2009

Re: County of SD – Draft General Plan, November 2008

Dear Mr. Muto:

I write this on behalf of Carmen Lucas, Kwaaymii Laguna Band of Indians and an owner of the Lucas Ranch located within the Pine Valley Planning area. This letter supplements the dialogue my client has had over the last seven years with DPLU management, staff and the Planning Commission regarding: 1) the treatment of tribal cultural resources in general and 2) the proposed designations affecting the Lucas Ranch in particular. Accordingly, we submit the following comments on the draft General Plan dated November 2008:

I. Cultural Resource Issues

- The Cultural Resource Context section repeatedly refers to resource value as something important more to the past and not necessarily of continuing value to present communities. This should be rephrased to more accurately reflect the value of cultural resources, sacred places, traditional cultural properties, etc., for living tribal peoples; there is more at issue to be protected and preserved apart from so-called "remains" which may perpetuate placing too much emphasis on physical archaeology to the exclusion of other types of cultural resources.
- As a whole, the draft Cultural Resource Goals & Policies are admirable and reflect that the County has listened to tribal input particularly in the areas of impact avoidance and tribal consultation. Similarly, we observe that the Goals & Policies appear improved from the current General Plan Conservation Element. However, compared to recently adopted General Plans of other jurisdictions, the draft here proposes very few mechanisms for *how* the County will achieve the Goals & Policies. Will specific Implementation Measures be forthcoming? If so, we request an opportunity to be consulted on their drafting.

- Also, in prior correspondence and meetings, particularly in mid-2007, we had been provided with a rather detailed draft cultural resource section to which we responded with a similarly detailed strikeout-underline version. Much of the detail and several policies from the 2007 draft are not carried over to the current draft Plan. Will the detail we put so much effort into be reflected in other County resource management documents? Please explain.¹
- The Plan's section on Parks, Open Space, and Recreation needs to weave cultural and historical resources throughout its context, goals and policies. The proposed document should be stronger than the current Plan in this regard especially given the many advances in best practices in this area since 1978 and the adoption of SB 18 which also calls for consideration of sacred places in open space plans. The draft could be improved in this area; Please revise.²

II. Lucas Ranch Land Designation Issue

As you may know, the Board of Supervisors considered the issue of the General Plan 2020 proposed density for the Lucas Ranch as a referral in 2003. From what has already been provided to the County over the last seven years relative to these parcels in the General Plan, the Lucas Ranch is a property with a unique history and had ultimately been recognized as such. We would like to confirm that the Plan's density for this unique property is 1 unit per 40 acres. General Plan Figure LU-A-4.3 (Pine Valley Community) is not clear to us in this regard.

Thank you for your courtesy and cooperation and for allowing our comments to be provided by January 20, 2009. We look forward to the County's reply.

Very truly yours,

Courtney Ann Coyle
Attorney at Law

Cc: Glenn Russell
Gail Wright
Carmen Lucas

¹ Just one example, we had emphasized the need for confidentiality of site location information, sacred site uses, etc., in accordance with state law. This is an issue for historical register nomination review, site records information in project environmental documents, and the like, and warrants its own bullet beyond the brief mention in the section on Cultural Resource Data Management. We would be happy to resend our responsive document and/or meet to discuss the other items absent from the current draft.

² For example, relative to management or acquisition of lands for recreational or open space use, insert references to the need to protect cultural locations on those lands, conduct consultation with affiliated tribal entities and that collections associated with the parcels will also be attempted to be acquired to enhance preservation and understanding.