

## 4.4 CULTURAL RESOURCES

The following information on cultural resources is based on the *Archaeological Survey for the Forrester Creek Project, El Cajon, California* prepared by ASM Affiliates, Inc. (December 2005). This report assesses potential impacts to cultural resources as a result of implementation of the proposed project. Appendix D of this EIR contains the entire report, which is summarized in this section.

### 4.4.1 EXISTING CONDITIONS

The preparation of the archaeological survey report included both a review of existing records on file and a pedestrian survey. The following sections present the results of both activities.

#### 4.4.1.1 RECORD SEARCH RESULTS

A search of previously recorded cultural resources sites was conducted through a record search from the South Coastal Information Center (SCIC) and contacting the County of San Diego, Department of Public Works, for any previous survey or excavation reports.

The SCIC record search identified 11 previously recorded sites within one mile radius of the project area, three of which are located within the project boundary. Most of the sites are prehistoric in age and one site has both prehistoric and historic components. A number of the other sites found near the project area are relatively small artifact scatters. The previously recorded sites within one mile of the project site are identified in Table 4.4-1.

The three previously recorded sites located within the project area are described below.

- SDI-5049** This is a prehistoric habitation site recorded by Oetting in 1979 as five bedrock outcrops with milling features and associated lithic, ground stone and ceramic artifacts. This site was not relocated by the current survey.
- SDI-5051** This is a bedrock milling site recorded by Oetting in 1979 as six milling features and two pieces of ground stone. This site was not relocated during the current survey.
- SDI-5052** This is a bedrock milling site recorded by Oetting in 1979 as nine milling features located on three isolated bedrock outcrops and one flake tool. Oetting noted that more than 12 pieces of ground stone were located along a wall of a house to the north of the site and that these artifacts possibly derived from the site. This site was not relocated during the current survey. The records search results did not indicate that these sites were tested, or that a survey or excavation report was prepared as part of the site recording process. Contact with the County of San Diego, Department of Public Works, did not result in the identification of a survey or testing report. It is possible that an excavation report exists, but is no longer on file at the Information Center or at the County.

#### 4.4.1.2 FIELD SURVEY RESULTS

ASM Associate Archaeologists Michael Garnsey and Ken Moslak conducted fieldwork for the proposed Forrester Creek Project on December 5, 2005 under Dr. Susan Hector's supervision. Fieldwork involved intensive pedestrian surveys of the entire project property at 20-meter transect intervals. Field notes and photographs documenting the results of the survey were prepared. No cultural resources were identified during the survey of the project area.

**Table 4.4-1. Previously Recorded Cultural Resources within One Mile of the Project Site**

<b>Site Number</b>	<b>Description</b>	<b>Location</b>
SDI-141	This site was recorded by Treganza. Very little information was given on the site form.	Approximately 5,000 feet northeast of the project
SDI-5049	This site was recorded in 1979 by A.C. Oetting. The site contains lithic scatter consisting of flaked and ground stone tools and milling outcrops.	Within the project area
SDI-5051	This site was recorded in 1979 by A.C. Oetting. This is a milling site.	Within the project area
SDI-5052	This site was recorded in 1979 by A.C. Oetting. This is a milling site.	Within the project area
SDI-5053	This site was recorded in 1986 by J. Corum. The site contains bedrock milling, rock shelter, lithic scatter, and pottery.	Approximately 4,500 feet northwest of the project
SDI-5050	This site was recorded in 1979 by Roy Pettus. The site contains bedrock milling, rock shelter, lithic scatter, and pottery.	Approximately 5,000 feet northwest of the project
SDI-5535	This site was recorded in 1986 by Martin Rosen. The site contains a historic structure and flaked and ground stone tools	Approximately 5,000 feet southwest of the project
SDI-7603	The site was recorded in 1981. Flaked and ground stone tools and milling outcrops were identified.	Approximately 5,000 feet north of the project
SDI-10863	This site was recorded in 1987 by Anna Noah. The site contains lithic scatter.	Approximately 2,000 feet southeast of the project
P-016044	This site was recorded in 1998 by Brian Smith. The site contains shell scatter.	Approximately 4,000 feet southeast of the project
P-016045	This site was recorded in 1998 by Brian Smith. The site contains shell scatter.	Approximately 4,250 feet southeast of the project

Source: ASM, 2005

## **4.4.2 REGULATORY FRAMEWORK**

### **4.4.2.1 FEDERAL**

#### **The National Historic Preservation Act of 1966**

The National Historic Preservation Act of 1966 established the National Register of Historic Places (NRHP) as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Listing on the National Register provides recognition that a property is significant to the nation, the state, or the community and requires that federal agencies consider historic values in the planning for federal and federally assisted projects. Properties listed in the NRHP, or “determined eligible” for listing, must meet certain criteria for historical significance and possess integrity of form, location, and setting. Structures and features must usually be at least 50 years old to be considered for listing on the NRHP, barring exceptional circumstances. Criteria for listing on the NRHP, which are set forth in Title 26, Part 63 of the Code of Federal Regulations (36 CFR Part 63), are significance in American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures; and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association; and that are:

- A. Associated with events that have made a significant contribution to the broad patterns of our history;
- B. Associated with the lives of persons significant in our past;
- C. Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

Eligible properties must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character, the degree to which the original fabric has been retained, and the reversibility of changes to the property. The fourth criterion is typically reserved for archaeological and paleontological resources. These criteria have largely been incorporated into CEQA Guidelines as well.

### **The Native American Graves Protection and Repatriation Act (NAGPRA)**

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990. NAGPRA provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on federal and tribal lands, and penalties for noncompliance and illegal trafficking. Implementation of the Project would be conducted in compliance with NAGPRA.

Federal curation regulations are also provided in 36 CFR Part 79 which apply to collections that are excavated or removed under the authority of the Antiquities Act (16 USC 431-433), the Reservoir Salvage Act (16 USC 469-469c), Section 110 of the National Historic Preservation Act (16 USC 470h-2), or the Archaeological Resources Protection Act (16 USC 470aa-mm). Such collections generally include those that are the result of a prehistoric or historic resources survey, excavation or other study conducted in connection with a federal action, assistance, license, or permit.

#### **4.4.2.2 STATE**

### **California Environmental Quality Act**

Under the CEQA, a significant historic resource is one that qualifies for the California Register of Historical Resources or is listed in a local historic register or deemed significant in a historical resource survey, as provided under Section 5024.1(g) of the Public Resource Code. A resource that is not listed in or is not determined to be eligible for listing in the California Register of Historical Resources, is not included in a local register of historic resources, and is not deemed significant in a historical resource survey may nonetheless be historically significant for purposes of the CEQA.

CEQA requires that all private and public activities not specifically exempted be evaluated against the potential for environmental damage, including effects to historical resources. Historical resources are recognized as part of the environment under CEQA. It defines historical resources as “any object, building, structure, site, area, or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (Division I, Public Resources Code, Section 5021.1(b)).

Lead agencies (in this case, the City of El Cajon) have a responsibility to evaluate resources against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources. Mitigation of adverse impacts is required if the proposed project will cause substantial adverse change. Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired. While demolition and destruction are fairly obvious significant impacts, it is more difficult to assess when change, alteration, or relocation crosses the threshold of substantial adverse change. The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of an historical resource that convey its historical significance (i.e., its character-defining features) can be considered to materially impair the resource's significance.

### **The California Register of Historic Places**

The California Register is an authoritative guide to the state's historical resources, which is used in the consideration of historic resources relative to significance for purposes of CEQA. The California Register includes resources listed in, or formally determined eligible for listing in, the National Register of Historic Places, as well as some California State Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts), or that have been identified in a local historical resources inventory, may be eligible for listing in the California Register and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise.

Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), consisting of the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.

### **Native American Historic Cultural Sites (PRC Section 5097 et. seq.)**

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to a year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

### **California Native American Graves Protection and Repatriation Act (NAGPRA)**

The California NAGPRA, enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. California NAGPRA also provides a process for the identification and

repatriation of these items to the appropriate tribes. Implementation of the Project would be conducted in compliance with the California NAGPRA.

### 4.4.3 IMPACT SIGNIFICANCE CRITERIA

Based on City and/or CEQA thresholds, cultural resources impacts would be significant if the proposed project:

- Would cause a substantial adverse change in the significance of an archaeological resource;
- Disturb any human remains, including those interred outside of formal cemeteries.
- Directly or indirectly destroy a unique paleontological resource; and/or
- Would cause a substantial adverse change in the significance of a historical resource;

### 4.4.4 ISSUES 1 AND 2 – ARCHAEOLOGICAL SITES AND HUMAN REMAINS

*Would the proposed project cause a substantial adverse change in the significance of an archaeological resource?*

*Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?*

#### 4.4.4.1 IMPACTS ANALYSIS

##### Archaeological Resources

The project site was evaluated for archaeological resources through research of previously recorded cultural resources sites and a project site field survey. As discussed in Section 4.4.1, no cultural resources were identified on the proposed project site during the field survey. The SCIC records search did identify three previously recorded sites on the project property, recorded as SDI-5049, SDI-5051 and SDI-5052. However, none of these sites were relocated during the pedestrian survey. The archaeological survey report concludes that these sites have been destroyed because the area where the sites were recorded has been graded. The report states that although the ground surface within the project area was partially obscured by dense vegetation, visibility was adequate to determine that the area is unlikely to contain cultural resources. Additionally, a considerable amount of modern clearing and grading activities have taken place to construct a driving range within the project property; as such, the property is not likely to contain buried archaeological deposits. Therefore, since no cultural resources have been determined to be located on the project site, project implementation would not impact significant archaeological resources either listed on or eligible for the California Register. No impact would occur.

##### Human Remains

No evidence of human remains was identified during the cultural resources survey of the project site. Although unlikely, the discovery of human remains during grading and site development is a possibility. Compliance with State of California Health and Safety Code Section 7050.5, as described below in mitigation measure Cul-1, would reduce the potential for significant impacts to occur in the unlikely event that human remains are found on the project site.

#### 4.4.4.2 SIGNIFICANCE OF IMPACT

Implementation of the proposed project would not result in impacts to buried archaeological and Native American resources. Therefore, the project would not result in a significant impact to archaeological resources. Implementation of the proposed project would have the potential to result in a significant impact if human remains are discovered on the project site during grading activities.

#### 4.4.4.3 MITIGATION, MONITORING, AND REPORTING

Implementation of the following mitigation measure would reduce impacts associated with human remains on the project site to below a level of significance.

**Cul-1** If human remains are found on the project site during grading or excavation, these finds shall be dealt with in accordance with State of California Health and Safety Code Section 7050.5 and SB2641. This code section states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of receiving permission from the landowner to inspect the site, and shall discuss and confer with the landowner over reasonable options for treatment.

### 4.4.5 ISSUE 3 – PALEONTOLOGICAL RESOURCES

*Would the proposed project directly or indirectly destroy a unique paleontological resource?*

#### 4.4.5.1 IMPACTS ANALYSIS

Impacts to paleontological resources are based on the potential for the underlying rock formation to contain fossil materials. The underlying rock formations are rated as having a high, medium, low or zero resource sensitivity depending upon the potential for resources to be present. High sensitivity is assigned to geologic formations known to contain paleontological localities with rare, well-preserved, critical fossil materials for stratigraphic or paleoenvironmental interpretation, and fossils providing important information about the paleoclimatic, paleobiological and/or evolutionary history (phylogeny) of animal and plant groups. In general, formations with high resource potential are considered to have the highest potential to produce unique invertebrate fossil assemblages or unique vertebrate fossils and are, therefore, highly sensitive. Zero resource potential is assigned to geologic formations that are composed entirely of volcanic or plutonic igneous rock, such as basalt or granite, and therefore do not have any potential for producing fossil remains. These formations have no paleontological resource potential; therefore, they are not considered to be sensitive resources.

The project site is underlain by Cretaceous-age granitic materials associated with the Southern California Batholith. The Southern California Batholith is comprised of late Jurassic to late Cretaceous (90 to 140 million years old) plutonic rocks, ranging in composition from granite to gabbro. No fossils are known to occur in these rock formations and they are generally assigned a zero paleontological resource sensitivity. Personal communication with Tom Demere, curator at the San Diego Natural History Museum, on January 10, 2006, confirmed that there is no potential for paleontological resources within this formation. Therefore, no impact to paleontological resources would occur during project site grading or construction.

#### **4.4.5.2 SIGNIFICANCE OF IMPACT**

Implementation of the proposed project would not directly or indirectly destroy paleontological resources because the project site has no potential to contain paleontological resources. Therefore, no impact would occur.

#### **4.4.5.3 MITIGATION, MONITORING, AND REPORTING**

Because the proposed project would not result in significant impacts related to paleontological resources, no mitigation measures are provided.

### **4.4.6 ISSUE 4 – HISTORICAL RESOURCES**

*Would the proposed project cause a substantial adverse change in the significance of a historical resource?*

#### **4.4.6.1 IMPACTS ANALYSIS**

The project site was evaluated for historical resources through a cultural resources records search and a project site field survey. The cultural resources record search identified one previously recorded historic structure within a one mile radius of the project site. As identified in Table 4.4-1 above, the site number for this resource is SDI-5535. This site is located approximately 5,000 feet southwest of the project site and would not be impacted by implementation of the proposed project. Therefore, no impact to historical resources would occur.

#### **4.4.6.2 SIGNIFICANCE OF IMPACT**

Implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource. Therefore, no impact would occur.

#### **4.4.6.3 MITIGATION, MONITORING, AND REPORTING**

Because the proposed project would not result in significant impacts related to historical resources, no mitigation measures are provided.

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