CULTURAL RESOURCES PHASE I SURVEY REPORT
for the
NORTHLIGHT POWER VALLEY CENTER SOLAR PROJECT, SAN DIEGO COUNTY, CALIFORNIA
MUP Pending, PDS2013-ER-13-02-002

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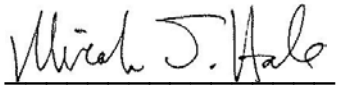

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AUGUST 2015

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NATIONAL ARCHAEOLOGICAL DATABASE (NADB) INFORMATION

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Report Date: August 2015

Report Title: Cultural Resources Phase I Survey Report for the NorthLight Power (NLP) Valley Center Solar Project, San Diego County, California; MUP Pending, PDS2013-ER-13-02-002

Type of Study: Phase I Archaeological Inventory

Resources: CA-SDI-20982, CA-SDI-20983, CA-SDI-21103 (Outside MUP limits)

USGS Quads: Valley Center and Pala, CA 1:24,000; T 11S, R 10W; Sections 5 and 6.

Acreage: 66 total area surveyed; MUP 26 acres

Permit Numbers: MUP Pending, PDS2013-ER-13-02-002

Keywords: NorthLight Valley Center Solar, Negative Phase I Pedestrian Survey, CA-SDI-780, CA-SDI-20982, CA-SDI-20983, CA-SDI-21103, Prehistoric, Bedrock Milling, Lithic Scatter.

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MANAGEMENT SUMMARY

This report presents the results of Dudek's Phase I cultural resources study for the NorthLight Power (NLP) Valley Center Solar Project (Project) located in the community of Valley Center, San Diego County, California. NLP Valley Center Solar, LLC is proposing construction of solar energy facilities in an area comprised of approximately 26 acres that is currently used for agricultural purposes. The proposed project is located east of the intersection of Cole Grade Rd and Via Valencia Rd. This project falls in Sections 5 and 6 of the Valley Center, CA and Pala, CA 1:24,000 USGS maps (Township 11S; Range 10W).

South Coastal Information Center (SCIC) staff conducted a records search for the proposed project parcel and a surrounding 1/4-mile on August 19, 2013. No resources were identified within the project area, however, a single prehistoric site has been previously recorded within the records search buffer. SCIC records indicate that at least three previously recorded cultural resources studies have included the current project area. A Native American Heritage Commission (NAHC) search indicates that no Traditional Cultural Properties (TCPs) or Tribal Cultural Resources (TCRs) have been identified to be within 1-mile of the Project. Tribal outreach letters were sent to those representatives provided on the NAHC Contact List. No responses have been received to date.

Dudek Archaeologist Matthew Maxfeldt conducted an intensive pedestrian cultural survey of the proposed project area. Richard Hernandez, a Native American monitor with Native Ground Consulting, visited all identified cultural sites and assisted in the field inventory. No archaeological resources were identified within the area of potential effects (APE), generally represented by the extent of the 26-acre solar facility site. Three newly recorded prehistoric bedrock milling sites were identified (CA-SDI-20982, CA-SDI-20983, and CA-SDI-21103) within the Project parcel limits, outside the APE; these will not be impacted by project activities due to the installation of a fence around the Major Use Permit (MUP) and solar facility limits. CA-SDI-20982 is comprised of two bedrock milling features. CA-SDI-20983 includes a single bedrock milling feature. Lastly, CA-SDI-21103 consists of a single bedrock milling feature. No surface artifacts or sediments characteristic of subsurface deposits were noted in association with these resources.

Due to the presence of recorded archaeological resources in the vicinity of the project, recommended archaeological mitigation, as compliant with CEQA and County of San Diego Guidelines, includes archaeological and Native American monitoring of initial ground disturbing activities for areas within the APE interpreted by the archaeologist to have potential to contain subsurface cultural material; application of the provided mitigation measures in the event of unanticipated discoveries; adequate archaeological and Native American monitoring field

documentation; and preparation of a final cultural monitoring report for the County of San Diego PDS.

LIST OF ACRONYMS AND ABBREVIATIONS

AMSL	Above mean sea level
APE	Area of Potential Effect
APN	Assessor's Parcel Number
BLM	U.S. Bureau of Land Management
BRM	Bedrock milling
cmbs	centimeters below the surface
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
CRHR	California Register of Historical Resources
CRM	Cultural resource management
CUDA	Current Urban Development Area
CU	Control unit
DPLU	County of San Diego Department of Planning and Land Use
DPR	California Department of Parks and Recreation
FAR	Fire-affected rock
GPS	Global positioning system
KCRC	Kumeyaay Cultural Repatriation Committee
MLD	Most Likely Descendant
MUP	Major Use Permit
NAHC	Native American Heritage Commission
RPA	Register of Professional Archaeologists
RPO	County of San Diego Resource Protection Ordinance
SCA	Sun-colored amethyst
SCIC	South Coastal Information Center
TCP	Traditional Cultural Property
TCR	Tribal Cultural Resource
USGS	U.S. Geological Survey
UTM	Universal Transverse Mercator

CULTURAL RESOURCES PHASE I SURVEY REPORT for the NLP VALLEY CENTER SOLAR PROJECT

1.0 INTRODUCTION

This report presents the results of Dudek's Phase I cultural resources study for the NorthLight Power (NLP) Valley Center Solar Project (Project) located in the community of Valley Center, San Diego County, California (Figure 1). NLP Valley Center Solar, LLC is proposing construction of solar energy facilities in an area comprised of 26 acres that is currently used for agricultural and residential purposes (Figure 2). This area, including the Major Use Permit (MUP) limits and a small portion of the Fire Department turn around, represents the horizontal area of potential effects (APE). The vertical APE is represented by the maximum depth of excavation (approximately 20 feet below the surface). The proposed project is located east of the intersection of Cole Grade Rd and Via Valencia Rd. This project falls in Sections 5 and 6 of the Valley Center, CA and Pala, CA 1:24,000 USGS maps (Township 11S; Range 10W).

1.1 Project Description

The proposed NLP Valley Center Solar LLC project ("Project") site is located in the community of Valley Center, California in north-central San Diego County. The subject site is located at 29471 Cole Grade Road and is bordered by Cole Grade Road to the west. The property is comprised of two separate parcels which include County Assessor Parcel Numbers (APNs) 188-120-09 and -10, totaling approximately 66 acres.

The Project requires approval from the County of San Diego for a Major Use Permit (MUP) for the construction, operation, and maintenance of an unmanned PV Solar facilities for the long-term generation of solar-generated energy. The proposed approximate 26-acre fenced photovoltaic (PV) solar facility will encompass a portion of the approximate 66-acre property to achieve the intended megawatt (MW) output. The Project design will consist of PV solar panels mounted on a collection of single-axis tracking (SAT) systems supported by machine-driven metal "H" piles or round pipe columns. The single axis system proposes solar panels aligned in rows that rotate to face east in the morning and west in the afternoon hours, tracking the sun about a north/south axis to maximize solar absorption. The ultimate arrangement/number of PV solar panels, racking, inverter pads, electrical equipment, structures, fencing, and internal access driveways are shown on the MUP Plot Plan to illustrate the general configuration of the proposed solar collection system. The Project proposes all weather paving internal access road. The point of interconnection (POI) for transmission purposes will occur at an existing utility pole within the Cole Grade Road right-of-way (ROW) adjacent to the Project boundary. Project access to the site will be from Cole Grade Road. No offsite roadway or gen-tie improvements are required.

The subject property currently supports fallowed agricultural lands (citrus orchard). Many of the citrus trees have previously been removed from the property, and the land is generally devoid of vegetation or has minor cover of ruderal species. The site is generally flat, and onsite elevations range from approximately 1,465 feet above mean sea level (amsl) in the southwestern portion of the site to 1,510 feet amsl in the northeastern portion of the site. Several small structures and infrastructure supporting the former agricultural uses (e.g. house and storage sheds, etc.) are located east of the proposed PV facility on the 66- acre property and will remain. Access to these structures are provide through Via Valencia.

1.2 Existing Conditions

1.2.1 Environmental Setting

1.2.1.1 Natural Setting

The Project area is located in Valley Center, situated approximately 20 miles inland from the Pacific, south of San Luis Rey River, and west of Palomar Mountain. Temperatures generally range between 35° – 90° Fahrenheit, with extreme lows of below 20° Fahrenheit and extreme highs above 110° Fahrenheit. Peak rainfall occurs between January and March, averaging 3 inches of precipitation a month. In recent years the parcel has been used primarily to produce agricultural goods. Citrus trees are still present throughout the property. Area geology consists of Mesozoic granitic rocks, dating from the Middle Jurassic to Late Cretaceous (Kennedy 1975).

Disturbances to the area have included agricultural planting and landscape modification, construction of a number of residential houses, and mechanical grading of dirt roads and other areas. Disturbed soil vegetation as well as native vegetation has been noted in the project area. The native vegetation communities within this area are primarily Meadow and Oak Woodland. Disturbed vegetation areas include orange trees, black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*), fennel *(Foeniculum vulgare),* artichoke thistle (*Cynara cardunculus*) and various non-native grasses. Common plants within general vegetation communities include oak (*Quercus sp.),* cottonwood, Mexican elderberry, sumac, sage scrub, mulefat scrub, willow scrub, California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum* var. *foliolosum*), bush sunflower (*Encelia californica*), saltgrass (*Distichlis spicata*), arrow-weed (*Pluchea sericea*), black willow (*Salix gooddingii*) and red willow (*S. laevigata*).

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FIGURE 1
Regional Map

NLP Valley Center Solar Project

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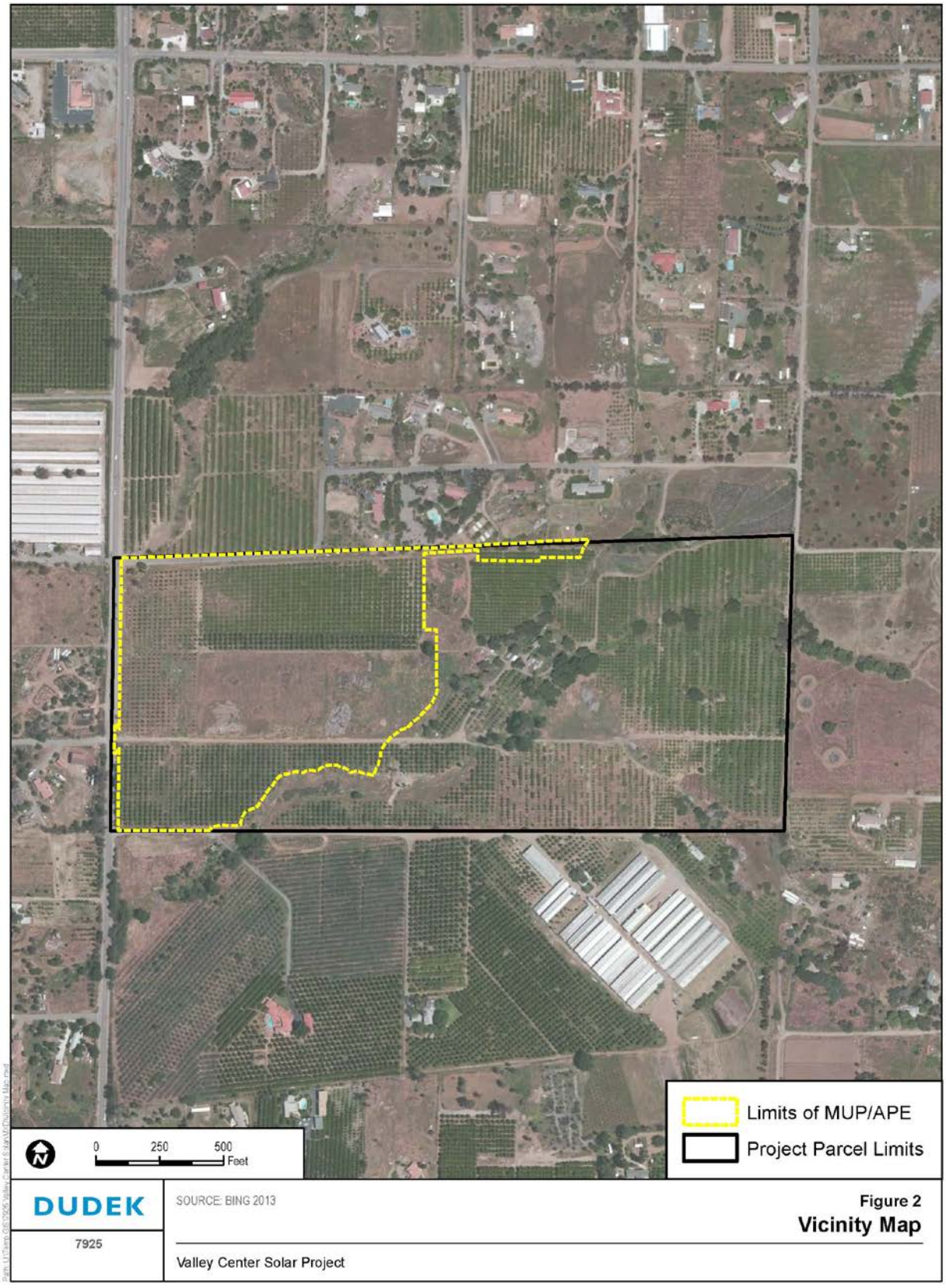
Limits of MUP/APE
Project Parcel Limits
0
250
500
Feet
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SOURCE: BING 2013
Figure 2
Vicinity Map
Valley Center Solar Project

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Common animals within this area may include coyote (*Canis latrans*), California ground squirrel (*Spermophilus beecheyi*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginica*), cottontail *(Sylvilagus audubonit)*, black-tailed jackrabbit (*Lepus californicus bennettii)*, deer mouse *(Peromyscus maniculatus)* sparrow *(Melospiza melodia)*, as well as a number of other species of birds, mammals, reptiles and amphibians.

1.2.1.2 Cultural Setting

Evidence for continuous human occupation in the San Diego region spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad time frame have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions. Each of these reconstructions describes essentially similar trends in assemblage composition in more or less detail. This research employs a common set of generalized terms used to describe chronological trends in assemblage composition: Paleoindian (pre-5500 BC), Archaic (8000 BC.–AD 500), Late Prehistoric (AD 500–1750), and Ethnohistoric (post-AD 1750).

1.2.1.2.1 Paleoindian (pre-5500 BC)

Evidence for Paleoindian occupation in coastal Southern California is tenuous, especially considering the fact that the oldest dated archaeological assemblages look nothing like the Paleoindian artifacts from the Great Basin. One of the earliest dated archaeological assemblages in coastal Southern California (excluding the Channel Islands) derives from SDI-4669/W-12, in La Jolla. A human burial from SDI-4669 was radiocarbon dated to 9,590–9,920 years before present (95.4% probability) (Hector 2007). The burial is part of a larger site complex that contained more than 29 human burials associated with an assemblage that fits the Archaic profile (i.e., large amounts of groundstone, battered cobbles, and expedient flake tools). In contrast, typical Paleoindian assemblages include large stemmed projectile points, high proportions of formal lithic tools, bifacial lithic reduction strategies, and relatively small proportions of groundstone tools. Prime examples of this pattern are sites that were studied by Emma Lou Davis (1978) on China Lake Naval Air Weapons Station near Ridgecrest, California. These sites contained fluted and unfluted stemmed points and large numbers of formal flake tools (e.g., shaped scrapers, blades). Other typical Paleoindian sites include the Komodo site (MNO-679)—a multicomponent fluted point site, and MNO-680—a single component Great Basined Stemmed point site (Basgall et al. 2000). At MNO-679 and MNO-680, groundstone tools were rare while finely made projectile points were common.

Turning back to coastal Southern California, the fact that some of the earliest dated assemblages are dominated by processing tools runs counter to traditional notions of mobile hunter–gatherers traversing the landscape for highly valued prey. Evidence for the latter—that is, typical Paleoindian assemblages—may have been located along the coastal margin at one time, prior to glacial desiccation and a rapid rise in sea level during the early Holocene (pre-7500 BP) that submerged as much as 1.8 kilometer of the San Diego coastline. If this were true, however, it would also be expected that such sites would be located on older landforms near the current coastline. Some sites, such as SDI-210 along Agua Hedionda Lagoon, contained stemmed points similar in form to Silver Lake and Lake Mojave projectile points (pre-8000 BP) that are commonly found at sites in California's high desert (Basgall and Hall 1990). SDI-210 yielded one corrected radiocarbon date of 8520–9520 BP (Warren et al. 2004). However, sites of this nature are extremely rare and cannot be separated from large numbers of milling tools that intermingle with old projectile point forms.

Warren et al. (2004) claimed that a biface manufacturing tradition present at the Harris site complex (SDI-149) is representative of typical Paleoindian occupation in the San Diego region that possibly dates between 10,365 and 8200 BC (Warren et al. 2004, p. 26). Termed San Dieguito (Rogers 1945), assemblages at the Harris site are qualitatively distinct from most others in the San Diego region because the site has large numbers of finely made bifaces (including projectile points), formal flake tools, a biface reduction trajectory, and relatively small amounts of processing tools (Warren 1964, 1968). Despite the unique assemblage composition, the definition of San Dieguito as a separate cultural tradition is hotly debated. Gallegos (1987) suggested that the San Dieguito pattern is simply an inland manifestation of a broader economic pattern. Gallegos' interpretation of San Dieguito has been widely accepted in recent years, in part because of the difficulty in distinguishing San Dieguito components from other assemblage constituents. In other words, it is easier to ignore San Dieguito as a distinct socioeconomic pattern than it is to draw it out of mixed assemblages.

The large number of finished bifaces (i.e., projectile points and non-projectile blades), along with large numbers of formal flake tools at the Harris site complex, is very different than nearly all other assemblages throughout the San Diego region, regardless of age. Warren et al. (2004) made this point, tabulating basic assemblage constituents for key early-Holocene sites. Producing finely made bifaces and formal flake tools implies that relatively large amounts of time were spent for tool manufacture. Such a strategy contrasts with the expedient flake-based tools and cobble-core reduction strategy that typifies non-San Dieguito Archaic sites. It can be inferred from the uniquely high degree of San Dieguito assemblage formality that the Harris site complex represents a distinct economic strategy from non-San Dieguito assemblages.

If San Dieguito truly represents a distinct socioeconomic strategy from the non-San Dieguito Archaic processing regime, its rarity implies that it was not only short-lived, but that it was not as economically successful as the Archaic strategy. Such a conclusion would fit with other trends in southern California deserts, wherein hunting-related tools are replaced by processing tools during the early Holocene (Basgall and Hall 1993).

1.2.1.2.2 Archaic (8000 BC–AD 500)

The more than 1500-year overlap between the presumed age of Paleoindian occupations and the Archaic period highlights the difficulty in defining a cultural chronology in the San Diego region. If San Dieguito is the only recognized Paleoindian component in the San Diego region, then the dominance of hunting tools implies that it derives from Great Basin adaptive strategies and is not necessarily a local adaptation. Warren et al. (2004) admitted as much, citing strong desert connections with San Dieguito. Thus, the Archaic pattern is the earliest local socioeconomic adaptation in the San Diego region (Hale 2001, 2009).

The Archaic pattern is relatively easy to define with assemblages that consist primarily of processing tools: millingstones, handstones, battered cobbles, heavy crude scrapers, incipient flake-based tools, and cobble-core reduction. These assemblages occur in all environments across the San Diego region, with little variability in tool composition. Low assemblage variability over time and space among Archaic sites has been equated with cultural conservatism (Byrd and Reddy 2002; Warren 1968; Warren et al. 2004). Despite enormous amounts of archaeological work at Archaic sites, little change in assemblage composition occurs until the bow and arrow is adopted at around AD 500, as well as ceramics at approximately the same time (Griset 1996; Hale 2009). Even then, assemblage formality remains low. After the bow is adopted, small arrow points appear in large quantities and already low amounts of formal flake tools are replaced by increasing amounts of expedient flake tools. Similarly, shaped millingstones and handstones decrease in proportion relative to expedient, unshaped groundstone tools (Hale 2009). Thus, the terminus of the Archaic period is equally as hard to define as its beginning because basic assemblage constituents and patterns of manufacturing investment remain stable, complimented only by the addition of the bow and ceramics.

1.2.1.2.3 Late Prehistoric (AD 500–1750)

The period of time following the Archaic and prior to Ethnohistoric times (AD 1750) is commonly referred to as the Late Prehistoric (M. Rogers 1945; Wallace 1955; Warren et al. 2004). However, several other subdivisions continue to be used to describe various shifts in assemblage composition, including the addition of ceramics and cremation practices. In northern San Diego County, the post-AD 1450 period is called the San Luis Rey Complex (True 1978),

while the same period in southern San Diego County is called the Cuyamaca Complex and is thought to extend from AD 500 until Ethnohistoric times (Meighan 1959). Rogers (1929) also subdivided the last 1,000 years into the Yuman II and III cultures, based on the distribution of ceramics. Despite these regional complexes, each is defined by the addition of arrow points and ceramics, and the widespread use of bedrock mortars. Vagaries in the appearance of the bow and arrow and ceramics make the temporal resolution of the San Luis Rey and Cuyamaca complexes difficult. For this reason, the term Late Prehistoric is well-suited to describe the last 1,500 years of prehistory in the San Diego region.

Temporal trends in socioeconomic adaptations during the Late Prehistoric period are poorly understood. This is partly due to the fact that the fundamental Late Prehistoric assemblage is very similar to the Archaic pattern, but includes arrow points and large quantities of fine debitage from producing arrow points, ceramics, and cremations. The appearance of mortars and pestles is difficult to place in time because most mortars are on bedrock surfaces; bowl mortars are actually rare in the San Diego region. Some argue that the Ethnohistoric intensive acorn economy extends as far back as AD 500 (Bean and Shipek 1978). However, there is no substantial evidence that reliance on acorns, and the accompanying use of mortars and pestles, occurred prior to AD 1400. True (1980) argued that acorn processing and ceramic use in the northern San Diego region did not occur until the San Luis Rey pattern emerged after approximately AD 1450. For southern San Diego County, the picture is less clear. The Cuyamaca Complex is the southern counterpart to the San Luis Rey pattern, however, and is most recognizable after AD 1450 (Hector 1984). Similar to True (1980), Hale (2009) argued that an acorn economy did not appear in the southern San Diego region until just prior to Ethnohistoric times, and that when it did occur, a major shift in social organization followed.

1.2.1.2.4 Ethnohistoric (post-AD 1750)

The history of the Native American communities prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the San Diego region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. They were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the San Diego region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early twentieth century (Bean and Shipek 1978; Boscana 1846; Fages 1937; Geiger and Meighan 1976; Harrington 1934; Laylander 2000; Philip S. Sparkman 1908; White 1963). The principal intent of these researchers

was to record the precontact, culturally specific practices, ideologies, and languages that had survived the destabilizing effects of missionization and colonialism. This research, often understood as "salvage ethnography," was driven by the understanding that traditional knowledge was being lost due to the impacts of modernization and cultural assimilation. Alfred Kroeber applied his "memory culture" approach (Lightfoot 2005, p. 32) by recording languages and oral histories within the San Diego region. Ethnographic research by Dubois, Kroeber, Harrington, Spier, and others during the early twentieth century seemed to indicate that traditional cultural practices and beliefs survived among local Native American communities. These accounts supported, and were supported by, previous governmental decisions which made San Diego County the location of more federally recognized tribes than anywhere else in the United States: 18 tribes on 18 reservations that cover more than 116,000 acres (CSP 2009).

It is important to note that even though there were many informants for these early ethnographies who were able to provide information from personal experiences about native life before the Europeans, a significantly large proportion of these informants were born after 1850 (Heizer and Nissen 1973); therefore, the documentation of pre-contact, aboriginal culture was being increasingly supplied by individuals born in California after considerable contact with Europeans. As Robert F. Heizer (1978) stated, this is an important issue to note when examining these ethnographies, since considerable culture change had undoubtedly occurred by 1850 among the Native American survivors of California.

The traditional cultural boundaries between the Luiseño and Kumeyaay Native American tribal groups have been well defined by anthropologist Florence C. Shipek:

> In 1769, the Kumeyaay national territory started at the coast about 100 miles south of the Mexican border (below Santo Tomas), thence north to the coast at the drainage divide south of the San Luis Rey River including its tributaries. Using the U.S. Geological Survey topographic maps, the boundary with the Luiseño then follows that divide inland. The boundary continues on the divide separating Valley Center from Escondido and then up along Bear Ridge to the 2240 contour line and then north across the divide between Valley Center and Woods Valley up to the 1880-foot peak, then curving around east along the divide above Woods Valley. [1993 summarized by the San Diego County Board of Supervisors 2007:6]

Based on ethnographic information, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact (Johnson and Lorenz 2006, p. 34). The distribution of recorded Native American languages has been dispersed as a geographic mosaic across California through six primary language families (Golla 2007, p. 71). As the project area is in Valley Center, the Native

American inhabitants of the region would have generally spoken a Luiseno variety of Takic, though would have had likely come into regular contact with the Ipai speaking northern Kumeyaay.

Victor Golla has contended that one can interpret the amount of variability within specific language groups as being associated with the relative "time depth" of the speaking populations (Golla 2007, p. 80) A large amount of variation within the language of a group represents a greater time depth then a group's language with less internal diversity. One method that he has employed is by drawing comparisons with historically documented changes in Germanic and Romantic language groups. Golla has observed that the "absolute chronology of the internal diversification within a language family" can be correlated with archaeological dates (2007, p. 71). This type of interpretation is modeled on concepts of genetic drift and gene flows that are associated with migration and population isolation in the biological sciences.

Golla suggests that there are two language families associated with Native American groups who traditionally lived throughout the San Diego County region. The northern San Diego tribes have traditionally spoken Takic languages that may be assigned to the larger Uto–Aztecan family (Golla 2007, p. 74). These groups include the Luiseño, Cupeño, and Cahuilla. Golla has interpreted the amount of internal diversity within these language-speaking communities to reflect a time depth of approximately 2,000 years. Other researchers have contended that Takic may have diverged from Uto–Aztecan ca. 2600 BC–AD 1, which was later followed by the diversification within the Takic speaking San Diego tribes, occurring approximately 1500 BC–AD 1000 (Laylander 2010). The Luiseño are linguistically and culturally related to the Gabrielino, Cupeño, and Cahuilla, and represent the descendants of local Late Prehistoric populations. They are generally considered to have migrated into the area from the Mojave Desert, possibly displacing the prehistoric ancestors of the Yuman-speaking Kumeyaay (Ipai-Tipai) that lived directly to the south during Ethnohistoric times. Luiseño territory encompassed an area from roughly Agua Hedionda Creek on the coast, east to Lake Henshaw, north to Lake Elsinore, and west through San Juan Capistrano to the coast (Bean and Shipek 1978; Kroeber 1925). The Luiseño shared boundaries with the Gabrielino and Serrano to the west and northwest, the Cahuilla from the deserts to the east, the Cupeño to the southeast, and the Kumeyaay to the south. Southern Native American tribal groups of the San Diego region have traditionally spoken Yuman languages, a subgroup of the Hokan Phylum. Golla has suggested that the time depth of Hokan is approximately 8,000 years (Golla 2007, p. 74). The Kumeyaay tribal communities share a common language group with the Cocopa, Quechan, Maricopa, Mojave, and others to east, and the Kiliwa to the south. The time depth for both the Ipai (north of the San Diego River, from Escondido to Lake Henshaw) and the Tipai (south of the San Diego River, the Laguna Mountains through Ensenada) is approximated to be 2,000 years at the most.

Laylander has contended that previous research indicates a divergence between Ipai and Tipai to have occurred approximately AD 600–1200 (Laylander 1985). Despite the distinct linguistic differences between the Takic-speaking tribes to the north, the Ipai-speaking communities in central San Diego, and the Tipai southern Kumeyaay, attempts to illustrate the distinctions between these groups based solely on cultural material alone have had only limited success (Pigniolo 2004; True 1966).

The Uto–Aztecan inhabitants of northern San Diego County were called Luiseños by Franciscan friars, who named the San Luis Rey River and established the San Luis Rey Mission in the heart of Luiseño territory. Luiseño population estimates at the time of Spanish contact range from 3,000–4,000 (Kroeber 1925) to upwards of 10,000 (White 1963). In either case, the arrival of the Spanish undoubtedly decimated Native peoples through disease and changed living conditions (Bean and Shipek 1978).

The Luiseño were organized into patrilineal clans or bands centered on a chief, comprised of 25–30 people (Kroeber 1925), each of which had their own territorial land or range where food and other resources were collected at different locations throughout the year (Sparkman 1908). The title of chief was heritable along family lines. Inter-band conflict was most common over trespassing. Sparkman observed that "when questioned as to when or how the land was divided and sub-divided, the Indians say they cannot tell, that their fathers told them that it had always been thus" (1908). Place names were assigned to each territory, often reflecting common animals, plants, physical landmarks, or cosmological elements that were understood as being related to that location. Marriages were generally arranged by parents or guardians. Free and widowed women had the option to choose their partner. Polygamy occurred though was not common, often with a single man marrying a number of sisters and wives. Shamanism was a major component in tribal life. The physical body and its components was thought to be related to the power of an individual, and wastes such as fluids, hair, and nails were discarded with intent. Hair, once cut, was often carefully collected and buried to avoid being affected negatively or controlled by someone who wishes them harm. Some locations and natural resources were of cultural significance. Springs and other water-related features were thought to be related with spirits. These resources, often a component of origin stories, had power that came with a variety of risks and properties to those who became affected. Puberty ceremonies for both boys and girls were complex and rigorous. Mourning ceremonies were similar throughout the region, generally involving cut of the hair, burning of the deceased's clothes a year after death, and redistribution of personal items to individuals outside of the immediate tribal group (Sparkman 1908; Kroeber 1925).

The staple food of the Luiseños during the etnohistoric period was acorns (Sparkman 1908). Of the at least six oak species within this tribal groups traditional territory, the most desirable of

these was the black oak (*Quercus kelloggii*) due to its ease of processing, protein content, and digestibility. Acorns were stored in granaries to be removed and used as needed. The acorns were generally processed into flour using a mortar and pestle. The meal was most commonly leached with hot water and the use of a rush basket, however, there are also accounts of placing meal into excavated sand and gravel pits to allow the water to drain naturally. The acorn was then prepared in a variety of ways, though often with the use of an earthen vessel (Sparkman 1908). Other edible and medicinal plants of common use included wild plums, choke cherries, Christmas berry, gooseberry, elderberry, willow, *Juncus*, buckwheat, lemonade berry, sugar bush, sage scrub, currents, wild grapes, prickly pear, watercress, wild oats and other plants. More arid plants such as *Yucca, Agave*, mesquite, chia, bird-claw fern, *Datura*, yerba santa, *Ephedra*, and cholla were also of common use by some Luiseño populations. A number of mammals were commonly eaten. Game animals included back-tailed deer, antelope, rabbits, hares, birds, ground squirrels, woodrats, bears, mountain lions, bobcats, coyotes, and others. In lesser numbers, reptiles and amphibians may have been consumed. Fish and marine resources provided some portion of many tribal communities, though most notably those nearest the coast. Shellfish would have been procured and transported inland from three primary environments, including the sandy open coast, bay and lagoon, and rocky open coast. The availability of these marine resources changed with the rising sea levels, siltation of lagoon and bay environments, changing climatic conditions, and intensity of use by humans and animals.

1.2.1.2.5 The Historic Period (post-AD 1542)

Francisco Ulloa, exploring the Pacific coast under orders from Hernán Cortes, is reported to have stopped at the San Luis Rey River in 1540, marking the first contact between Europeans and the Luiseño, although the accuracy of his exploration is disputed (Garrahy and Weber 1971). Juan Rodriguez Cabrillo, who is widely considered the first European to explore Alta California, sailed the coast through Luiseno territory in 1542, but is not reported to have landed. Epidemic diseases may also have been introduced into the region at an early date, either by direct contacts with the infrequent European visitors or through waves of diffusion emanating from native peoples farther to the east or south (Preston 2002). It is possible, but as yet unproven, that the precipitous demographic decline of native peoples had already begun prior to the arrival of Gaspar de Portolá and Junípero Serra in 1769.

In 1798, Mission San Luis Rey, named for the King of France, was established four miles up along the San Luis Rey River. At its height San Luis Rey became one of the most populous and successful of the missions. In 1824, it had an Indian neophyte population of 3,000 and the extensive mission lands supported 1,500 horses, 2,800 sheep and 22,000 cattle (Pourade 1961:139). Under Spanish control, the missions set out to convert local populations to Christianity and to expand the influence of the Spanish empire. To support intensified

missionization , asistencias (sub-missions) and ranchos were established throughout the territory in the vicinity of Native American villages. Eighteen years after the establishment of Mission San Luis Rey, the mission asistancia of Pala was established 20 miles upriver.

Throughout this period the Spanish established multiple missions and allowed only baptized Native Americans to legally own property. These disturbances to Native American communities only increased through Mexican Independence in 1821 and the succeeding secularization of the missions. Following the establishment of the Mexican republic, the government seized many of the lands belonging to Native Americans, providing them as parts of larger Land Grants to affluent Mexican citizens and rancheros. In 1835 the missions took on the role of parish churches (Carrico 2008:41). While some rancherias and pueblos such as Las Flores (Uchme), San Pasqual, and San Dieguito remained under the control of their native inhabitants following secularization, over the succeeding four and a half decades these were eventually lost to Mexican and Anglo-American owners as well (41).

Mexico's separation from the Spanish empire in 1821 and the secularization of the California missions in the 1830s caused further disruptions to native populations. The 1833 Secularization Act passed by the Mexican Congress ordered half of all mission lands to be transferred to the Indians, and the other half to remain in trust and managed by an appointed administrator. These orders were never implemented due to several factors that conspired to prevent the Indians from regaining their patrimony. By 1835, the missions, including Mission San Luis Rey, were secularized. Mission San Luis Rey lands were parceled into six ranchos: Santa Margarita, Las Flores, Buena Vista, Agua Hedionda, Monserrate, and Guajome. The remaining lands of San Luis Rey were sold in 1846 to José Cota and José A. Pico by Pío Pico, Governor of California, and the Luiseño converts who had lived around the mission were removed to nearby Pala (Hawthorne 2000). Some former mission neophytes were absorbed into the work forces on the ranchos, while others drifted toward the urban centers at San Diego and Los Angeles or moved to the eastern portions of the county where they were able to join still largely autonomous native communities. United States conquest and annexation, together with the gold rush in Northern California, brought many additional outsiders into the region. Development during the following decades was fitful, undergoing cycles of boom and bust. With rising populations in the nineteenth century throughout the Southern California region, there were increased demands for important commodities including agricultural goods. Land grants issued within the Valley Center area (1841-48) included the ranchos of Pauma, Rincon del Dablo, Cuca or El Potrero, and Guejito. Other land grants in the surrounding area included Bernardo, San Marcos, Buena Vista, and Monserrate. Of these, rancho Guijito is the last of these to remain in-tact (McHenry 1997).

In 1851, a group of Cahuilla and Cupeño Indians attacked American settlers in Warner's Hot Spring, hoping to unite Indian tribes and drive out the Americans (Bibb 1991). Led by Pablo Apis,

the Luiseño of Temecula went to Mission San Louis Rey and remained out of the conflict (Bibb 1991). In 1852, the Treaty of Temecula (Treaty of Peace and Friendship) was signed, providing certain lands, horses, cattle, and other supplies to the Luiseño, Cahuilla, and Serrano in exchange for government control of the rest of their lands (Bibb 1991, Van Horn 1974). This treaty, and 17 others in California, was rejected by the U.S. Senate later that year.

California was officially ceded to the United States in 1848, which led to the continued appropriation of Native American Lands by ranchers, prospectors, and an increasing number of settlers (County of San Diego 2003:5). The United States Government did little to dissuade these trespasses. From 1850, with the passage of California's Indian Act, until legislative reforms in the late 1880s, state laws promoted conditions that amounted to indentured servitude for much of the Native American population in San Diego (Carrico 2008:56). These laws supported overt racism and inequitable treatment.

Valley Center, originally named Bear Valley, began to be settled by settlers during this period. This original name was granted after local ranchers killed a California Grizzly Bear reported to weigh 2,200 pounds. The Homestead Act of 1862 allowed US citizens to claim land by a number of different strategies. The most popular of these was to file a claim for 160 acres through payment of a $10 initial fee and the promise to improve the land through cultivation or ranching as well as the construction of a residence and out-buildings (McHenry 1997). While a number of the original settlers have no record of their origins, the majority of those who filed early claims were native-born Californians. A relatively large number of individuals also came from Arkansas, Illinois, and Missouri. Farming was the primary business of these settlers. The planned community of Escondido was founded in the 1880s, increasing the demand for products produced by residents of Valley Center.

In December of 1875 President Grant issued an executive order for 52,400 acres to be set-aside as reservations for San Diego Native Americans (143). These included Mesa Grande, Santa Ysabel, Sycuan, Capitan Grande, Pala, Agua Caliente, Inaja, Cosmit, and Potrero (Carrico 2008:143; Eargle 2000). In 1889 Los Coyotes became the tenth San Diego reservation, and with 26,000 acres it was the largest yet (Carrico 2008:150). From 1891-1893, in response to the Act for the Relief of the Mission Indians in the State of California of 1891, six additional reservations were created (152). These included Campo, Laguna, La Posta, Manzanita, Ewiiaapaayp (Cuyapaipe), and Pauma-Yuima (Carrico 2008:153). This was followed twenty years later by the creation of the San Pasqual reservation in 1911. The tribal reservations of Rincon, La Jolla, Pala, Pauma and Yuima, and San Pasqual are all in the Valley Center area.

1.3 Records Search Results

South Coastal Information Center (SCIC) staff conducted a records search for the proposed project parcel and a surrounding 1/4-mile on August 19, 2013. No resources were identified within the project area, however, a single prehistoric site has been previously recorded within the records search buffer. SCIC records indicate that at least three previously recorded cultural resources studies have included the current project area (Confidential Appendix B).

1.3.1 Previous Technical Studies

SCIC records indicate that at least three previous cultural resources studies have included the current project area (Table 1). The most recent of these was conducted in 2007 by Cal Fire.

Table 1 Previous Studies That Have Included the Proposed Project Parcel

Author	Year	SHPO ID	Title
Chase, Paul G.	1984	CHACE 84-84	A Cultural Resources Survey for the Central Valley Center Sewer SWCB Project No. C-06-1567.. Paul G. Chace. Submitted to Valley Center Municipal Water District. Unpublished Report on file at SCIC, San Diego State University, San Diego, CA 92182.
Chase, Paul G.	1987	CHACE 87-95	1987 Addendum, A Cultural Resources Survey for the Central Valley Center Sewer. Paul G. Chace & Associates. Submitted to Valley Center Municipal Water District. Unpublished Report on file at SCIC, San Diego State University, San Diego, CA 92182.
Dallas, Herb	2007	DALLAS 07-02	Cultural Resources Narrative for the Poomacha Fire, CA-MVU-10643, San Diego County, California. Cal Fire. Unpublished Report on file at South Coastal Information Center, San Diego State University.

1.3.2 Previously Recorded Sites Adjacent to the Study Area

South Coastal Information Center (SCIC) staff conducted a records search for the proposed project parcel and a surrounding 1/4-mile on August 19, 2013. No resources were identified within the project area. A single prehistoric site (CA-SDI-748) has been previously recorded within the records search buffer, north of the proposed project area.

1.3.2.1 CA-SDI-748

This prehistoric site was recorded by D.L. True in 1960 as a scatter of groundstone artifacts located in an area approximately 50 meters north of the current project parcel that had been mechanically cleared of the surrounding chamise. The site was classified as a Pauma Complex site (La Jolla), camp site, or village. Artifacts were noted to include grinding handstones and a granitic matate of shallow basin form. Clay was noted both within and surrounding the site.

1.4 Applicable Regulations

Cultural resource regulations that apply to the project area are the County of San Diego RPO, the Local Register, CEQA, and provisions for the CRHR.

Historic and archaeological districts, sites, buildings, structures, and objects are assigned significance based on their exceptional value or quality in illustrating or interpreting the heritage of San Diego County in history, architecture, archaeology, engineering, and culture. A number of criteria are used in demonstrating resource importance.

1.4.1 State Level Regulations

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. The act defines historical resources as "any object, building, structure, site, area, or place that 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 have a responsibility to evaluate historical resources against the CRHR 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) is considered to materially impair the resource's significance. The CRHR is used in the consideration of historical resources relative to significance for purposes of CEQA. The CRHR includes resources listed in, or formally determined eligible for listing in, the NRHP and 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 CRHR 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 CRHR (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), which consist of the following:

1. it is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. it is associated with the lives of persons important to local, California, or national history; or
3. it embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
4. it has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In the event that Native American human remains or related cultural material are encountered, Section 15064.5(e) of the state CEQA Guidelines (as incorporated from Public Resources Code section 5097.98) and Health and Safety Code Section 7050.5 define the subsequent protocol. In the event of the accidental discovery or recognition of any human remains, excavation or other disturbances shall be suspended of the site or any nearby area reasonably suspected to overlie adjacent human remains or related material. Protocol requires that a county-approved coroner be contacted in order to determine if the remains are of Native American origin. Should the coroner determine the remains to be Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98 (California Code of Regulations, Title 14; Chapter 3; Article 5; Section 15064.5(e)).

1.4.2 San Diego County Local Register of Historical Resources

The County maintains a Local Register that was modeled after the CRHR. Significance is assigned to districts, sites, buildings, structures, and objects that possess exceptional value or

quality illustrating or interpreting the heritage of San Diego County in history, architecture, archaeology, engineering, or culture. Any resource that is significant at the national or state level is by definition also significant at the local level. The criteria for eligibility for the Local Register are comparable to the criteria for eligibility for the CRHR and NRHP, but significance is evaluated at the local level. Included are:

1. Resources associated with events that have made a significant contribution to the broad patterns of California or San Diego County's history and cultural heritage;

2. Resources associated with the lives of persons important to our past, including the history of San Diego and our communities;

3. Resources that embody the distinctive characteristics of a type, period, region (San Diego County), or method of construction, or represent the work of an important creative individual, or possesses high artistic values; and

4. Resources that have yielded or are likely to yield, information important in prehistory or history.

Districts are significant resources if they are composed of integral parts of the environment that collectively (but not necessarily as individual elements) are exceptional or outstanding examples of prehistory or history.

The County also treats human remains as "highly sensitive." They are considered significant if interred outside a formal cemetery. Avoidance is the preferred treatment.

Under County guidelines for determining significance of cultural and historical resources, any site that yields information or has the potential to yield information is considered a significant site (County of San Diego 2007a: 16). Unless a resource is determined to be "not significant" based on the criteria for eligibility described above, it will be considered a significant resource. If it is agreed to forego significance testing on cultural sites, the sites will be treated as significant resources and must be preserved through project design (County of San Diego 2007a:19).

1.3.3 County Of San Diego Resource Protection Ordinance (RPO)

The County uses the CRHR criteria to evaluate the significance of cultural resources. In addition, other regulations must be considered during the evaluation of cultural resources. Specifically, the County of San Diego's RPO defines significant prehistoric and historic sites.

The County defines a significant prehistoric or historic site under its RPO as follows:

1. Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
   (a) formally determined eligible or listed in the NRHP; or
   (b) to which the Historic Resource (H designator) Special Area Regulations have been applied; or
2. one-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data or materials; and
3. any location of past or current sacred religious or ceremonial observances which is either:
   (a) protected under Public Law 95-341, the American Religious Freedom Act, or Public Resources Code Section 5097.9, such as burials, pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, or
   (b) other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

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2.0 GUIDELINES FOR DETERMINING SIGNIFICANCE

According to CEQA (§15064.5b), a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. CEQA defines a substantial adverse change:

Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

The significance of an historical resource is materially impaired when a project:

- demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
- demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.

Section 15064.5(c) of CEQA applies to effects on archaeological sites and contains the following additional provisions regarding archaeological sites:

When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).

If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and

site evaluation activities intended to determine whether the project location contains unique archaeological resources. If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

Section 15064.5 (d) & (e) contain additional provisions regarding human remains. Regarding Native American human remains, paragraph (d) provides:

When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from: the general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5); and the requirement of CEQA and the Coastal Act.

3.0 ANALYSIS OF PROJECT EFFECTS

3.1 Methods

3.1.1 Field Methods

Dudek Archaeologist Matthew Maxfeldt conducted an intensive pedestrian cultural survey of the proposed project area on July 16, 2013. No Native American monitor was present during this initial survey due to a scheduling miscommunication. Richard Hernandez, Native American monitor with Native Ground Consulting, joined Mathew Maxfeldt for a Project site-visit on December 10, 2013. Areas throughout the Project area were inspected and previously identified sites were visited. Visibility was partially obscured by vegetation, allowing for less than one-quarter of the ground surface to be viewed in many areas. Much of the area is covered with citrus orchards, which partially obstructed systematic survey in some areas. The area directly surrounding the primary residence on the parcel was unable to be approached due to the presence of aggressive dogs. Archaeological survey exceeded the applicable Secretary of Interior Professional Qualifications Standards for archaeological survey and evaluation. The project area of potential effect (APE) was subject to a 100% survey with transects spaced no more than 15 meters apart wherever possible and oriented in cardinal directions. Survey crew was equipped with a Global Positioning System (GPS) receiver with sub-meter accuracy. Location-specific photographs were taken using an Apple 3rd Generation IPAD equipped with 8 MP resolution and georeferenced PDF maps of the project area. Accuracy of this device ranged between 3 meters and 10 meters. Evidence for buried cultural deposits was opportunistically sought through inspection of natural or artificial erosion exposures and the spoils from rodent burrows. No artifacts were identified or collected during the survey. Field recording and photo documentation of features and the APE was completed.

Documentation of cultural resources complied with the Office of Historic Preservation (OHP) and Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716-44740) and the California Office of Historic Preservation Planning Bulletin Number 4(a). All sites identified during this inventory were recorded on California Department of Parks and Recreation Form DPR 523 (Series 1/95), using the Instructions for Recording Historical Resources (Office of Historic Preservation 1995).

3.1.2 Native American Participation/Consultation

A Native American Heritage Commission (NAHC) search of their Sacred Lands File on July 2, 2013 indicated that no Traditional Cultural Properties (TCPs) or Sacred Sites have been identified to be within the project area, or a surrounding 1-mile (Confidential Appendix C).

Tribal outreach letters were sent to those representatives provided on the NAHC Contact List. The sole response was received from Rose Duro of Rincon Band of Luiseno Indians on March 7, 2014. Ms. Duro expressed concern with the potential impact that the Project may have on Native American cultural assets and requested to be informed with updates and changes moving forward. Ms. Duro did not identify specific impacts to Sacred Sites or TCPs within the Project area. No additional responses have been received to date. Richard Hernandez, a Native American monitor with Native Ground Consulting, visited all identified cultural sites and assisted in the pedestrian field inventory of the project site. Mr. Hernandez did not express any specific concerns relating to the Project.

3.1.2.1 Traditional Cultural Places/Properties

No TCPs or TCRs were identified by the NAHC or local tribes for the project area. The following section provides a general context for understanding Traditional Cultural Properties. The County of San Diego Guidelines observe that cultural resources can also include traditional cultural places, such as gathering areas, landmarks, and ethnographic locations in addition to archaeological districts (2007). These guidelines incorporate both State and Federal definitions of TCPs. Generally, a TCP may consist of a single site, or group of associated archaeological sites (district; traditional cultural landscape), or an area of cultural/ethnographic importance. The Traditional Tribal Cultural Places Bill of 2004 requires local governments to consult with Native American representatives during the project planning process. The intent of this legislation is to encourage consultation and assist in the preservation of "Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance" (County of San Diego 2007). It further allows for tribal cultural places to be included in open space planning. State Assembly Bill 52, in effect July 1, 2015, introduces the Tribal Cultural Resource (TCR) as a class of cultural resource and additional considerations relating to Native American consultation into CEQA. As a general concept, a TCR is similar to the federally-defined TCP, however incorporates consideration of local and state significance and required mitigation under CEQA. A TCR may be considered significant if included in a local or state register of historical resources; or determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1; or is a geographically defined cultural landscape that meets one or more of these criteria; or is a historical resource described in PRC 21084.1, a unique archaeological resources described in PRC 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

In 1990 the NPS and Advisory Council for Historic Preservation introduced the term 'TCP' through National Register Bulletin 38 (Parker and King 1990). A TCP may be considered eligible based on "its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing

cultural identity of the community" (Parker and King 1990:1). Strictly speaking, Traditional Cultural Properties are both tangible and intangible; they are anchored in space by cultural values related to community-based physically defined "property referents" (Parker and King 1990:3). On the other hand, TCPs are largely ideological, a characteristic that may present substantial problems in the process of delineating specific boundaries. Such a property's extent is based on community conceptions of how the surrounding physical landscape interacts with existing cultural values. By its nature, a TCP need only be important to community members, and not the general outside population as a whole. In this way, a TCP boundary, as described by Bulletin 38, may be defined based on viewscape, encompassing topographic features, extent of archaeological district or use area, or a community's sense of its own geographic limits. Regardless of why a TCP is of importance to a group of people, outsider acceptance or rejection of this understanding is made inherently irrelevant by the relativistic nature of this concept.

3.2 SURVEY RESULTS

A SCIC records search conducted on July 2, 2013 indicated that no cultural resources have been previously identified within the project study area. Intensive pedestrian survey conducted July 16, 2013 did not identify any cultural resources within the current MUP / APE limits. Survey did identify three newly recorded prehistoric bedrock milling sites (CA-SDI-20982, CA-SDI-20983, and CA-SDI-21103) within the project parcels, outside of the current MUP/APE (Confidential Appendix A). The mapped locations of these resources and the prepared DPR site record forms have been included in Confidential Appendix D.

3.2.1 CA-SDI-20982

This prehistoric bedrock milling site, measuring 20 by 10 meters, is comprised of a granitic boulder outcrop located outside of the MUP limits within an orange grove on a south-facing slope. No artifacts were observed at the site. A total of two milling features were identified. Feature 1 includes five lightly weathered grinding slicks. Feature 2, located beneath a Live Oak, consists of a single grinding slick remnant. Sediment within and surrounding the site is brown sandy silt. This relatively organic-rich soil is likely a product of the surrounding orchard, rather than an indication for the presence of subsurface cultural material. Organic debris and vegetation associated with the surrounding orchard, oak, and meadow environments allowed for less than one-third of the ground surface to be directly observed during pedestrian survey. Disturbances to the site have resulted from both natural processes and agricultural activities.

3.2.2 CA-SDI-20983

This prehistoric bedrock milling site, measuring 15 by 5 meters, is comprised of a granitic boulder outcrop situated outside of the MUP limits along the southern edge of an existing dirt road. No artifacts were observed. One milling feature, consisting of two moderately weathered slicks, was identified during survey. Sediments at the site consist of reddish-brown clay and decomposing granite, suggesting that subsurface deposits in the area are unlikely. Vegetation associated with the surrounding meadow environment allowed for less than half of the ground surface to be directly observed during pedestrian survey. Disturbances to the site have included both natural aeolian and alluvial processes and mechanical grading of the adjacent dirt road.

3.2.3 CA-SDI-21103

This prehistoric bedrock milling site, measuring 45 by 25 meters, is comprised of a granitic boulder outcrop situated in an open field located outside of the MUP limits just west of a citrus orchard. No artifacts were observed. One milling feature, consisting of two moderately weathered slicks, was identified during survey. The site was identified during a site visitation conducted in December, 2013. Sediments at the site consist of reddish-brown sandy silt and decomposing granite, suggesting that subsurface deposits in the area are unlikely. Vegetation associated with the surrounding meadow environment allowed for less than half of the ground surface to be directly observed during pedestrian survey. Disturbances to the site have included both natural aeolian and alluvial processes and agricultural efforts related to the surrounding orchard.

4.0 INTERPRETATION OF RESOURCE IMPORTANCE AND IMPACT IDENTIFICATION

4.1 Resource Importance and Management Concerns

No cultural resources (including archaeological and built-environment resources) have been identified within the current MUP/APE limits. The three newly identified resources (CA-SDI-20982, CA-SDI-20983, and CA-SDI-21103) within this project parcel, outside of MUP/APE limits, have not been evaluated for significance. Based on the current project design, these sites will not be impacted by project activities. Under federal, state, and San Diego County guidelines, these resources should be assumed significant unless determined otherwise though formal evaluation.

Criterion 4 for CRHR eligibility may be applied to each of these resources; in that they have "the potential to yield, information important to the prehistory or history of the local area, California, or the nation" (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852). While there appears to be low potential for subsurface cultural deposits, these resources do have the potential to help fill gaps in the archaeological record related to Archaic period northern San Diego settlement, economy, and subsistence patterns.

As the archaeological importance of these resources is related to their potential to contribute to the archaeological record of the region, the following discussion provides some additional interpretive context. All resources identified within the current project parcel, and the surrounding vicinity, are prehistoric in age. D.L. True recorded CA-SDI-748 in 1960 as a scatter of groundstone artifacts located in an area approximately 50 meters north of the current project parcel that had been mechanically cleared of the surrounding chamise. The site was classified as a Pauma Complex (La Jolla) site, camp site, or village. Surface artifacts were observed to include grinding handstones and a granitic metate of shallow basin form. Clay was noted both within and surrounding the site.

The newly recorded resources (CA-SDI-20982, CA-SDI-20983, CA-SDI-21103) consist of bedrock milling features, with no additional evidence of associated cultural constituents. Combined, the three sites, located within an approximate 450 x 450 meter area, include four features with a total of ten elements. All grinding surfaces consist of slicks (less than 1 cm in depth). Sediment characteristics of the surrounding matrix do not appear to represent developed cultural deposits. Due to the disturbances to the sites introduced by grading of an adjacent dirt road and the surrounding citrus orchard, the integrity of these sites may be called into question. Subsurface testing would be needed to assess depositional integrity.

While none of the sites in the project area are representative of intensively used activity areas, they all suggest milling related subsistence strategies. The presence of milling slicks at CA-SDI-20982, CA-SDI-20983, and CA-SDI-21103 corresponds with generalized vegetative food processing. The apparent expedient nature of these grinding elements may suggest these areas to be limited-use stations where locally procured acorns, seeds, and other resources might be processed on-site, then taken back to a habitation area elsewhere. The slicks by themselves do not explain how the material that was ground at these locations was later used or treated (Hale 2009). As such, the people who created and used these sites may have just as likely been part of a group that focused on intensive acorn exploitation as one that did not. True's interpretation of the assemblage of milling implements associated with CA-SDI-748 suggests that the site pre-dates a population who's economy focused on intensive acorn exploitation (1958). It must be assumed that True is drawing on his experience of the region by inferring a specific cultural pattern from the limited number and diversity of artifacts presented at this site. The presence of a predominance of low-formality grinding implements, rather than artifacts associated with bow technology, is interpreted as evidence for pre-dating Late Prehistoric deposition. From radiocarbon dates taken at CA-SDI-682, located to the northwest of the project site along San Luis Rey River, True and Pankey have interpreted the Pauma Complex to have been established in the region by 2,500 – 2,000 B.P (1985). True further observes that sites of this type are rarely associated with midden deposits, have limited flaked lithic waste or formal points, an absence of shell and ceramics, and are commonly located on exposed knolls and saddles overlooking seasonal streams (1958). He observes this cultural pattern as the same or contemporaneous with the Archaic La Jolla coastal complex, however with the marked absence of maritime adaptations. The terminus of the Archaic period is as hard to define as its beginning because basic assemblage constituents and patterns of manufacturing investment remain stable, complimented only by the addition of the bow and ceramics. Without additional analyses of the newly recorded resources, it cannot be determined if these sites are representative of a shared, temporally-associated, pattern, or a result of differing subsistence strategies that happen to overlap spatially.

4.2 Impact Identification

Based on the current project design, no archaeological resources will be impacted. Three identified archaeological sites (CA-SDI-20982, CA-SDI-20983, and CA-SDI-21103) were recorded on the project parcel, outside of MUP/APE limits, and have been avoided by project design. As such, no significant effects resulting from direct impacts to identified cultural resources are associated with the project. There is always a possibility of encountering previously unidentified cultural resources. These impacts will be mitigated through the use of archaeological and Native American monitoring for areas within the APE interpreted by the archaeologist to have potential to contain subsurface cultural material. There is some risk of

inadvertent direct impacts by construction, as well as possible indirect impacts caused by increased pedestrian traffic by Project personnel within the parcels. By project design, permanent fencing will be installed along the MUP limits. The full list of mitigation measures is provided in Section 8.0.

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5.0 MANAGEMENT CONSIDERATIONS – MITIGATION MEASURES AND DESIGN CONSIDERATIONS

5.1 Unavoidable Impacts

Based on the current project design, there are no unavoidable impacts to cultural resources. All identified sites will be avoided and are outside of the MUP and APE limits.

5.2 Impact Analysis

5.2.1 Mitigation Measures and Design Considerations

Three prehistoric sites (CA-SDI-20982, CA-SDI-20983, and CA-SDI-21103) were identified during intensive pedestrian survey of the project parcel; none of these cultural resources were identified within MUP/APE limits.

This study provides the results and recommendations based on Phase I cultural resources inventory. No assessment of these resources have been made pursuant to CEQA, County of San Diego guidelines for determining significance (County of San Diego 2007a) or the County RPO. Per County of San Diego Guidelines, all sites are considered important resources with the exception of isolated finds. As these sites do not require testing, they are considered both CEQA and RPO significant. With the recommended archaeological mitigation (including full avoidance of archaeological sites, archaeological and Native American monitoring, application of appropriate CEQA and County of Sand Diego compliant procedures in the event of unanticipated discoveries, recordation of both archaeological and Native American monitoring activities, installation of temporary fencing throughout the period of project disturbance, and final reporting of findings to the County PDS) there will not be significant effects to cultural resources as a result of the implementation of the proposed project.

5.3 Effects Found Not to be Significant

The project will not directly impact any identified cultural resources or associated deposits. All sites will be avoided by the project design and are located outside of MUP/APE limits. Beyond initial Phase I recordation, no assessment of these resources have been made pursuant to the County of San Diego guidelines for determining significance (County of San Diego 2007a) or the County RPO. Per County of San Diego Guidelines, all sites are considered important resources except isolated finds. The sites will not require testing, CA-SDI-20982, CA-SDI-20983, and CA-SDI-21103 are considered both CEQA and RPO significant. As these cultural resources will not be impacted, the proposed project design will not result in significant effects.

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7.0 LIST OF PREPARERS AND PERSONS AND ORGANIZATIONS CONTACTED

Micah Hale (Dudek): Acted as Project Manager and approved the technical report.

Adam Giacinto (Dudek): Acted as Principal Investigator and authored the technical report.

Mathew Maxfeldt (Dudek): Acted as Field Director and conducted fieldwork.

Richard Hernandez (Native Ground Consulting): Acted as Native American monitor.

Nick Doose (SCIC): Conducted the SCIC records search.

David Singleton (NAHC): Conducted Sacred Land File record search.

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8.0 LIST OF MITIGATION MEASURES AND DESIGN CONSIDERATIONS

Based on the Impact Analysis for the proposed project, the following recommendations relating to cultural resources are recommended:

An archaeological monitor qualified for prehistoric and historic resource evaluation, as defined in the CEQA and County of San Diego Guidelines, will be retained to implement the archaeological monitoring program. The following monitoring program will be implemented for cultural resources:

Archaeological Monitoring

GRADING PERMIT: *(Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).*

CULT#1___ ARCHAEOLOGICAL GRADING MONITORING [PDS, FEE X 2]
INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The grading monitoring program shall include the following:

a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or letter of acceptance provided to the County shall include an agreement that the grading monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter acceptance shall include a cost estimate for the monitoring work and reporting.

b. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Grading Monitoring for the project.

c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Grading Monitoring Contract or letter of acceptance, cost estimate, and MOU to the *[PDS, PCC]*. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The *[PDS, PCC]* shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to *[PDS, LDR]*, for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

CULT#2__ CULTURAL RESOURCES REPORT [PDS, FEE X2]
INTENT: In order to ensure that the Grading Monitoring occurred during the grading phase of the project pursuant to condition CULT#1, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

a. DPR Primary and Archaeological Site forms.

b. Daily Monitoring Logs

c. Evidence that all prehistoric archaeological materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

Historic materials shall be curated at a San Diego curation facility and shall not be repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Archaeological Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the *[PDS, PCC]* for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The *[PDS, PCC]* shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PCC]* shall inform *[PDS, LDR]* and *[DPW, PDCI]*, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then *[PDS, PCC]* shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

Draft Grading Plan Notes:

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

(CULTURAL RESOURCES)

CULT#GR-1 ARCHAELOGICAL MONITORING [PDS, FEE X2]
INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, a Cultural Resource Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist, Luiseno Native American Monitor, and [PDS, PCC], shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist and Luiseno Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Luiseno Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to the Pre-construction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.

MONITORING: The *[DPW, PDCI]* shall invite the *[PDS, PCC]* to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The *[PDS, PCC]* shall attend the preconstruction conference and confirm the attendance of the approved Project Archaeologist.

DURING CONTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

(CULTURAL RESOURCES)

CULT#GR-2 ARCHAEOLOGICAL MONITORING [PDS, FEE X2]
INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Luiseno Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Luiseno Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility of repatriation program. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods. The Research

Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites pursuant to CEQA §21083.2(g) as the preferred option, (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible, and (3) data recovery for non-unique cultural resources.

c. If any human remains are discovered, the property owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be contacted by the property owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed.

DOCUMENTATION: The applicant shall implement the archaeological monitoring program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The *[DPW, PDCI]* shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The *[DPW, PDCI]* shall contact the *[PDS, PCC]* if the Project Archeologist or applicant fails to comply with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

(CULTURAL RESOURCES)

CULT#GR-3 ARCHAEOLOGICAL MONITORING [PDS, FEE]
INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

a. If no archaeological resources are encountered during earth disturbing operations, then submit a final Negative Monitoring Report substantiating that earth disturbing operations are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.

b. If archaeological resources were encountered during grading, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to the *[PDS, PCC]* for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** The *[PDS, PCC]* shall review the report or field monitoring memo for compliance with the project MMRP, and inform *[DPW, PDCI]* that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(CULTURAL RESOURCES)

CULT#GR-4 ARCHAEOLOGICAL MONITORING [PDS, FEE]
INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth disturbing operations. The report shall include the following, if applicable:

a. Department of Parks and Recreation Primary and Archaeological Site forms.

b. Daily Monitoring Logs

c. Evidence that all prehistoric archaeological materials collected during the grading monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

Historic materials shall be curated at a San Diego curation facility and shall not be repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the *[PDS, PCC]* for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The *[PDS, PCC]* shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PCC]* shall inform *[PDS, LDR]* and *[DPW, PDCI]*, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then *[PDS, PCC]* shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

APPENDIX A (CONFIDENTIAL)

Cultural Resource and Conceptual Layout Map

APPENDIX B (CONFIDENTIAL)

SCIC Records Search Results

APPENDIX C (CONFIDENTIAL)

NAHC SLF Search and Tribal Correspondence

APPENDIX D (CONFIDENTIAL)

DPR Site Record Forms for Newly Recorded Resources