

### **3.34 Cultural Resources**

The assessment of the Proposed Project's potential to have an adverse effect on cultural resources on- and off-site is based on the Cultural Resources Survey, Archaeological Testing, and Historic Building Evaluation for the Proposed Meadowood Project, San Diego County, California Volume I (ASM Affiliates, Inc. 2009). This report is included as Appendix H to this EIR with confidential records and maps on file at the County of San Diego, Department of Planning and Land Use and deposited with the South Coastal Information Center (SCIC).

#### **3.34.1 Existing Conditions**

The presence and significance of existing cultural resources associated with the Proposed Project were determined in accordance with the regulations and research methods outlined below.

##### ***Existing Regulations***

The California Register of Historic Resources (CRHR) establishes the evaluative criteria used by CEQA in defining an historic resource. An historic resource is significant if it meets one or more of the criteria for listing in the CRHR. Resources are eligible for listing on the CRHR if they:

1. Are associated with events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.
2. Are associated with the lives of persons important to the nation or to California's past.
3. Embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Have yielded, or may be likely to yield, information important in prehistory or history of the state or nation.

The County also has a series of criteria to determine the significance of historical resources for inclusion on the San Diego County Local Register of Historic Resources. These guidelines closely follow those for CEQA, but are focused on resources of County significance. Historic resources are eligible for this register if they:

1. Are associated with events that have made a significant contribution to the broad patterns of San Diego County's history and cultural heritage;
2. Are associated with the lives of persons important to the history of San Diego County or its communities;

3. Embody the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

The County RPO has a set of criteria that must be addressed for any cultural resources encountered during a survey. These ask the following questions in regard to the resource.

Is the cultural resource:

1. A location of past intense human occupation where buried deposits can provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance?
2. A prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places or the State Landmark register?
3. Included or eligible for inclusion, but not previously rejected, for the San Diego County Historical Site Board List?
4. A location of past or current sacred religious or ceremonial observances protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figure, and natural rocks or places which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group?

### **Methods**

Research included a review of institutional records and reports concerning the project area and immediate vicinity, a field survey, surface mapping, limited artifact collection, photographic documentation, historic structures assessment, and excavation of backhoe trenches and shovel test pits (STPs) to determine the extent, integrity, and constituents of site deposits. Site record forms, including updates, were prepared for CA-SDI-682 Loci A, B and C and for the Rancho San Luis Rey/Pankey Ranch building complex, and submitted to the SCIC of the California Historic Resources Information System, Department of Parks and Recreation.

The evaluation of cultural resources is in conformance with the County RPO, Section 21083.2 of the Public Resources Code, and CEQA. Statutory requirements of CEQA Guidelines Section 15064.5 were followed in the evaluation of the significance of the cultural resources.

## **Records Search Result**

### On-site

According to the records on file at the SCIC, there have been 16 cultural resource surveys conducted within a one-mile radius of the Project Site. Three of the studies overlapped portions of the Project Site (RECON 1982; Rosenthal et al. 1987; WESTEC 1980). Two studies included archaeological survey of the western edge of the Proposed Project (RECON 1982; WESTEC 1980). Rosenthal et al. (1987) conducted an archaeological survey of Rosemary's Mountain Rock Quarry for proposed rock mining operations, which intersected a portion of the Project Site at the northern base of Rosemary's Mountain Rock Quarry. None of the surveys identified cultural resources within the Project Site.

The SCIC record search showed a total of 13 previously recorded archaeological sites within a one-mile radius of the Proposed Project; 12 prehistoric sites and one historic site. Eight of the prehistoric sites consist of bedrock milling features and associated artifact scatters, one of bedrock milling features and pictographs, one consists of only bedrock milling, and one consists exclusively of pictographs. One prehistoric site, CA-SDI-682, is a large habitation site associated with the ethnographic Luesiño village of Tom-Kav. A portion of CA-SDI-682 is mapped extending into the southernmost portion of the Project Site. The single recorded historic site is the Higgins Family cemetery.

The Project Site also appears to include the original location of Historic Period Rancho Monserrate Adobe. The Rancho Monserrate ranch house probably existed in the southeastern corner of the Project Site. No physical evidence of the adobe has been found, and any remains were probably destroyed by the construction of the Pankey Ranch complex.

### Off-site

According to the record search conducted at SCIC, a total of 27 previously recorded sites are situated within a one-mile radius from the Proposed Project's off-site improvements. Of the sites recorded, 22 are prehistoric and five are historic. The majority of the prehistoric sites are bedrock mining sites that could represent short-term, or temporary campsites. There are also a relatively high number of rock art sites located within a one-mile radius of the Project Site.

## **Survey Results**

### On-site

Two cultural resources were encountered during the survey of the Project Site: one historic and one prehistoric site. The prehistoric site, CA-SDI-682 (Loci A, B, and C), also known as the Pankey Site, is a well-known site excavated and reported by True et al. (1993).

The survey also identified a new site, the Rancho San Luis Rey/Pankey Ranch building complex. A description of the sites is included in Table 3.34-1.

**TABLE 3.34-1  
RECORDED ARCHAEOLOGICAL SITES WITHIN A 1-MILE RADIUS OF THE PROJECT AREA**

Resource # CA-SDI-	Description	National Register of Historic Places Status
314	Pictographs	Indeterminate
682 (Pankey Site)	Large Habitation Site	Ethnographic Village Eligible
683	Bedrock Milling and Artifact Scatter	Indeterminate
684	Bedrock Milling and Artifact Scatter	Indeterminate
744/12584	Bedrock Milling and Artifact Scatter	Not Evaluated
773	Bedrock Milling	Indeterminate
8871	Bedrock Milling and Artifact Scatter	No Determination
9854	Bedrock Milling and Artifact Scatter	Indeterminate
10861	Bedrock Milling and Artifact Scatter	Indeterminate
12585	Bedrock Milling and Artifact Scatter	Not Evaluated
14585	Bedrock Milling and Artifact Scatter	Indeterminate
14607	Historic Cemetery	Indeterminate
14609	Bedrock Milling and Pictographs	Not Evaluated

In addition, in late January 2011, just prior to Palomar College's site preparation for the planned Horse Ranch Creek Road grading work, human remains were identified when a private citizen removed a tree. The human remains were located within the road right-of-way of the approved Horse Ranch Creek Road (approval under Palomar College L-Grade permit) in the vicinity of SR-76. The remains would be associated with the prehistoric site, CA-SDI-682 (Loci A, B, and C), discussed above. The County Coroner was contacted, who determined that the human remains are potentially Native American. Based on this determination, the Native American Heritage Commission (NAHC) was contacted and they identified the Most Likely Descendent (MLD) as the San Luis Rey Band of Mission Indians (SLRBMI). In addition, the NAHC determined that the area is a "Sacred Site." The protocols and mitigation that are required in the event that human remains are discovered as specified in the environmental document that was certified by Palomar College and as required under State Law have been followed. Horse Ranch Creek Road is to be constructed by Palomar College. An L-Grade permit has been approved by the County. L-Grade permits are exempt from the RPO.

Off-site

No new or previously recorded cultural resources were identified during the survey of the Proposed Project off-site improvement areas.

**Native American Consultation**

Since the discovery of human remains in late January 2011, consultation as required under CEQA Section 15064.5(e) has taken place. Protocols and requirements as identified in the environmental document certified by Palomar College and as required under CEQA and State Law have been followed. The Palomar College project anticipated the discovery of cultural resources as part of the development of the project. As such, mitigation for the unforeseen discovery of buried resources was made a

condition of approval. Similarly, the Proposed Project will be conditioned with the same requirements.

### **3.34.2 Guidelines for the Determination of Significance**

For the purpose of this EIR, the basis for the determination of significance is the County's Guidelines for Determination of Significance, Cultural Resources, adopted September 26, 2006.

A significant cultural resource impact would occur if:

1. The project causes a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines. This shall include the destruction, disturbance, or any alteration of characteristics or elements of a resource that cause it to be significant in a manner not consistent with the Secretary of Interior Standards.
2. The project causes a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.
3. The project disturbs any human remains, including those interred outside of formal cemeteries.
4. The project proposes activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance and fails to preserve those resources.

### **3.34.3 Analysis of Project Effects and Determination as to Significance**

According to CEQA Guidelines Section 15126.4(b)(3), "public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature and requires the consideration of preservation in place as the preferred manner of mitigation and data recovery, only if preservation is not feasible."

An analysis of each site is provided below along with a determination as to the significance of the site, pursuant to the CEQA Guidelines Section 15064.5 and the County RPO.

#### ***Historic Resources (Guideline 1)***

A significant impact would occur if the project would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. This shall include the destruction, disturbance, or any alteration of characteristics or elements of a resource that cause it to be significant in a manner not consistent with the Secretary of Interior Standards.

### On-site

As a result of the cultural resources survey, one historic resource was documented and evaluated for significance. This historic resource is a group of historic buildings associated with Rancho San Luis Rey/Pankey Ranch.

A second, potential historic resource was documented during the archival research for the Proposed Project. The Project Site appears to include the location of Historic Period Rancho Monserrate Adobe. No physical indication of the adobe was found during the ASM survey, but map and literature research shows that the adobe was probably located in the southeastern portion of the Project Site. Since there is no surface indication of the Monserrate Adobe, no significance evaluation was completed.

These sites are summarized below along with a determination as to the significance of the sites. A detailed discussion of each site can be found in the cultural resources study (see Appendix H†).

### Non-significant Historic Resources

A total of 13 historic period structures associated with the Rancho San Luis Rey/Pankey Ranch were identified as present or previously recorded on the Project Site, as identified by the field survey and archival research. A total of six of the 13 historic structures on the Project Site were evaluated for significance according to CEQA Section 15064.5 and the RPO criteria. These six buildings were more than 50 years old.

Five of the six buildings were constructed in the late 1920s or early 1930s. They were associated with Rancho San Luis Rey, a thoroughbred breeding and training facility owned and operated by Charles E. Cooper. The historic buildings evaluated include a bungalow, a bunkhouse, two small garages, a rustic barn, and a concrete refrigeration room. None of the historic buildings located with the Project Site appear to be eligible for the California Register or the Local Register.

The information recovered during the site evaluation indicates that the historical resources found on the Project Site: (1) are not associated with events that have made a significant contribution to the broad patterns of California's history, (2) are not associated with the lives of persons important in our past, (3) does not embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values, and (4) lacks the potential to further answer questions related to understanding the history of the area. Because these cultural resources are evaluated as not important resources according to CEQA and RPO, any impacts incurred through the Proposed Project implementation would be **less than significant**.

### Significant Historic Resource

Based on study of historic maps, the Rancho Monserrate Adobe may be located in the site of the current Pankey Ranch buildings on the Project Site. The adobe was occupied between 1846 and 1863. A second house, Morel's house, was also located on the Project Site between 1869 and 1896. Although there are no standing remains of either building, there is the possibility that subsurface foundations, trash pits, privies, or other features may be present. If such features are present subsurface, they could provide

significant insight into life during the late Mexican and early American periods in San Diego County.

Because there was no evidence of the Monserrate Adobe, no evaluation could be done and the questions normally addressed to determine the significance of the resource cannot be addressed at this time. Theoretically, the Monserrate Adobe would be significant under criteria 1 and 4 of the CEQA criteria: (1) The adobe is associated with events that have made a significant contribution to the broad patterns of California's history, in this case the late Mexican Period and transition into the American Period and (4) Subsurface deposits may provide information to further answer questions related to understanding the history of the area and life in rural San Diego County in the late Mexican Period and transition into the American Period. Thus, implementation of the Proposed Project could impact subsurface deposits associated with the adobe, resulting in a **significant impact (CR-1)**.

A discussion related to Human Remains is provided under Guideline 3, below.

#### Off-site

No new or previously recorded historical resources were identified within the off-site improvement areas (roads, connection to the Second Aqueduct and pipelines) for the Proposed Project. No impacts to historical resources would occur through Proposed Project implementation of off-site improvements. If the alternative connection to the First Aqueduct is selected, additional surveys for cultural resources will be required.

#### ***Archaeological and RPO Resources (Guidelines 2 and 4)***

A significant impact would occur if the project would cause a substantial adverse change in the significance of an archaeological resource, pursuant to the CEQA Guidelines Section 15064.5. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory. In addition, a significant impact would occur if the project proposes activities or uses damaging to significant cultural resources as defined by the RPO and fails to preserve those resources.

#### On-site

As a result of the cultural resources survey, archival research, and subsurface testing of the Project Site, the boundaries of the previously recorded prehistoric large habitation site/ethnographic village (CA-SDI-682), also known as the Pankey site, were extended west of the ranch road to encompass new archaeological deposits discovered by ASM. The Pankey site was identified as a significant site during the records search, literature review, field survey, and testing. The site is summarized below along with a determination as to the significance of the site. A detailed discussion can be found in the Cultural Resources Report (see Appendix H).

Three loci (Loci A, B, and C) associated with the CA-SDI-682 were identified during the cultural survey of CA-SDI-682. Loci A and B of this site contain pockets of midden deposits less than 300 square meters in size. These sites are considered significant resources, as defined by the RPO, because they may represent a location of past

intense human occupation where buried deposits can provide information on important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance. Pursuant to the RPO, impacts to significant cultural resources must be avoided. Therefore, implementation of the Proposed Project, could result in a **significant impact** to these resources (**CR-2**).

Locus C of CA-SDI-682 consists of sparse, deeply buried deposits, probably covered by extensive colluvial deposition. Due to the deeply buried nature of the deposit, it is possible that undetected, intact archaeological deposits exist below the ground surface. Implementation of the Proposed Project could result in a **significant impact** to these resources (**CR-3**).

#### Off-site

No new or previously recorded archaeological resources or RPO significant cultural sites were identified within the off-site improvement areas for the Proposed Project. However, the Proposed Project was identified to have the potential to impact buried deposits within the off-site areas due to the large number of cultural resources in the vicinity, thus impacts to unidentified resources would be **significant (CR-4)**.

#### ***Human Remains (Guideline 3)***

A significant impact would occur if the project would disturb any human remains, including those interred outside of formal cemeteries.

#### On-site

No evidence of human remains, including those interred outside of formal cemeteries, was discovered during the records search, literature review, field survey, or site testing and evaluation. Although there is no known evidence that the Project Site was used by Native Americans for religious, ritual, or other special activities, in late January 2011, just prior to Palomar College's site preparation for the planned Horse Ranch Creek Road grading work, remains were identified when a private citizen removed a tree. As such, the potential for further discoveries of human remains is likely and therefore, used as a Native American burial site, human remains could be uncovered during grading, resulting in a significant impact (CR-5)

#### Off-site

No evidence of human remains was discovered during the evaluation of the off-site improvements areas for the Proposed Project. Should human remains be found, this would be a **significant impact (CR-5)**.

### **3.34.4 Cumulative Impact Analysis**

The importance of cultural resources is based on the information they contain. A cumulative loss of that information would be considered a significant impact. Excavation, while destroying the preserved nature of land containing the resource, allows the study of the information they contain. This information is then preserved through data recovery, significance testing, and curation.



The cumulative study area includes the study area that allows for the reasonable capture of prehistoric and historic settlement patterns. By analyzing sites within the study area, it can be determined whether implementation of the project would result in a cumulative loss of information.

The Proposed Project site contains archaeological site CA-SDI-682, which is both a CEQA and RPO significant cultural resource because of its potential to provide important information about scientific research questions. Impacts to this site would be mitigated to below a level of significance through placement of the site within a conservation easement. All other potentially significant direct and indirect impacts would be mitigated through the monitoring of grading activities by a project archaeologist.

The cumulative projects in the vicinity of the Proposed Project are discussed in Section 1.7 “List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area,” as listed in Table 1-7 and shown in Figure 1-19. The SCIC records search revealed a total of 12 prehistoric archaeological sites and one historic site within the Proposed Project’s cumulative study area for archaeological impacts. The lone historical site is the Higgins family cemetery, recorded on a ridge above the San Luis Rey River floodplain approximately one mile east of the Project Site. The majority of the archaeological resources in the Proposed Project vicinity consisted of bedrock milling sites recorded at the base of mountains along the San Luis Rey River. Cultural remains at these sites typically consisted of bedrock mortars and slicks, Tizon Brown ware ceramics, ground stone implements, flaked stone tools and debitage, fire-affected rock, vertebrate and invertebrate faunal remains, and midden soils. Three typical bedrock milling sites (CA-SDI-10,861, CA-SDI-8871, and CA-SDI-773) are recorded at the toe of Monserrate Mountain within approximately 600 meters of the Proposed Project. Pictographs were also recorded at two of the sites (CA-SDI-314 and CA-SDI-14,609). The pictographs of CA-SDI-314 are recorded at the base of Rosemary’s Mountain Rock Quarry, approximately 300 meters east of the Proposed Project. The remaining cultural resources in the vicinity of the Proposed Project (see Table 3.34-1) were determined not to be significant cultural resources.

Because the Proposed Project and those projects within the cumulative impact area have been examined for their significance, there is no cumulative loss of information associated with their development. Additionally, should new resources be discovered during development within the cumulative impact area, site-specific measures necessary to evaluate and collect relevant information would likely occur. The Proposed Project would not cumulatively contribute to a significant impact. Therefore, impacts would be **less than significant**.

### **3.34.5 Mitigation Measures Proposed to Minimize the Significant Effects**

#### ***Historical Resources***

**M-CR-1** A County-approved professional archaeologist and a Luiseno Native American monitor shall monitor grading in the vicinity of the mapped location of the Monserrate Adobe (refer to Figure 35 in Appendix H), as well as the area north of SR-76. A Monitoring Discovery Plan shall be prepared prior to commencement of construction activity, to be put in use in the event historic deposits are discovered. All artifacts recovered during all phases of survey, testing, and grading monitoring shall be

curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County that meets federal standards per 36 CFR Part 79, to be accompanied by payment of the fees necessary for permanent curation.

### ***Archaeological Resources***

**M-CR-2a** To preserve the integrity of CA-SDI-682, the applicant shall cap Loci A and B per County of San Diego standards, landscaped as part of the overall development and placed in a conservation open space easement. A Preservation Plan describing the methods and ultimate disposition of the capped site area has been prepared and is included as Appendix H of the Cultural Resources Report. The location of the conservation open space easement is shown in Figure 4 of this Plan. If Palomar Community College mitigates for impacts associated with Horse Ranch Creek, they will be responsible for mitigation associated with Locus B, which entails capping, temporary fencing, and open space easement dedication.

**M-CR-2b** For the protection of archaeological site CA-SDI-682, Loci A and Loci B, the applicant shall prepare and implement a temporary fencing plan during any grading activities with one hundred feet. The fencing plan shall be prepared in consultation with a County-approved archaeologist and a Luiseño Native American representative qualified archaeologist to the satisfaction of the Director of the Department of Planning and Land Use. The fenced area should include a buffer sufficient to protect the archaeological site. The fence shall be installed under the supervision of the qualified archaeologist prior to commencement of grading or brushing and be removed only after grading operations have been completed.

**M-CR-3** A County-approved archaeologist and a Luiseño Native American representative professional archaeologist shall monitor grading in the vicinity of Loci C, as well as the area north of existing SR-76. A Monitoring Discovery Plan shall be prepared prior to commencement of construction activity, to be put in use in the event archaeological deposits are discovered. All artifacts recovered during all phases of survey, testing, and grading monitoring shall be curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County that meets federal standards per 36 CFR Part 79, to be accompanied by payment of the fees necessary for permanent curation.

**M-CR-4** A County-approved archaeologist and a Luiseño Native American representative professional archaeologist shall monitor grading and subsurface excavation in off-site areas. All artifacts recovered during all phases of survey, testing and grading monitoring shall be curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility with San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

**M-CR-5** A County-approved archaeologist and a Luiseño Native American representative professional archaeologist shall monitor grading and subsurface excavation in on- and off-site areas not covered by CR-1 and CR-3. All artifacts recovered during all phases of survey, testing, and grading monitoring shall be curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County that meets federal standards per 36 CFR Part 79, to be accompanied by payment of the fees necessary for permanent curation.

### **3.34.6 Conclusion**

Implementation of the Proposed Project could result in significant impacts to subsurface deposits associated with the undiscovered whereabouts of the Rancho Monserrate Adobe (CR-1). M-CR-1 requires an archaeological monitor to be present for all grading activities in the vicinity of the adobe. This measure assures that grading will be halted or diverted should any discovery be made. The measure further assures that any findings are recovered, documented, and preserved. With the implementation of this measure, potentially significant impacts will be reduced to a level that is less than significant.

Archaeological site (CA-SDI-682) was identified as a CEQA and RPO significant resource (CR-2). M-CR-2 requires the placement of this resource in a conservation open space easement and cap it with a minimum of 50 cm of clean fill. This measure will assure that the site will remain preserved. With the implementation of this measure, potentially significant impacts would be reduced to a level that is less than significant.

Implementation of the Proposed Project could result in significant impacts to undetected archaeological deposits located underground within Loci C of the known site (CA-SDI-682) (CR-3), construction of off-site improvement areas (CR-4), and could result in the uncovering of human remains during on- and off-site grading activities (CR-5). The recent discovery of human remains does not change either the significance or the mitigation regarding unknown artifacts. This is because the protocols and requirements, as required under CEQA and State Law, have been followed and will be in place should further remains and/or artifacts be discovered. Such protocols and requirements set forth the necessary legal steps that are followed in the event of the discovery of artifacts or human remains, ensuring that appropriate mitigation is followed pursuant to State law. M-CR-3, M-CR-4 and M-CR-5 require an archaeological monitor to be present for all grading activities. This measure assures that grading will be halted or diverted should any discovery be made. The measure further assures that any findings are recovered, documented, and preserved. In the event that further human remains or artifacts are unearthed during grading activities, the County Coroner and the NAHC would be contacted to ensure that the proper steps are taken. Based on assessed significance, the discovered site would be avoided or recovery would be allowed and not destroyed during Project grading. With the implementation of this measure, potentially significant impacts will be reduced to a level that is less than significant.

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