

Comment Letter T1



PO Box 908  
Alpine, CA 91903  
#1 Viejas Grade Road  
Alpine, CA 91901  
Phone: 6194453810  
Fax: 6194455337  
viejas.com

May 6, 2015

Ashley Gungle  
Planning & Development  
5510 Overland Ave., Suite 310  
San Diego CA 92123

RE: Jacumba Solar Major Use Permit, PDS 2014-MUP-14-041; PDS2014-ER-14-22-001

Dear Ms. Gungle,

In reviewing the above referenced project the Viejas Band of Kumeyaay Indians ("Viejas") would like to comment at this time. The project area contains many sacred sites to the Kumeyaay people. We request that these sacred sites be avoided with adequate buffer zones with a map of such areas.

Additionally, Viejas is requesting the following:

- Advance notice of any plans on mitigation measures
- Active participation in the development of said mitigation measures
- All NEPA/CEQA/NAGPRA/AB52 laws be followed
- Qualified Kumeyaay cultural monitors are on site at all time
- Give frequent up-dates to the tribes and final report on findings
- Immediately contact Viejas on any changes or inadvertent discoveries.

Thank you for your collaboration and support in preserving our Tribal cultural resources. I look forward to hearing from you.

Sincerely,  
VIEJAS BAND OF KUMEYAAY INDIANS

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## Response to Comment Letter T1

### Viejas Band of Kumeyaay Indians May 6, 2015

T1-1

Section 2.3, Cultural Resources, of the DEIR, discusses the Project's potential impacts to cultural and archaeological resources, including Native American resources. Both the Project Archaeologist and County staff have conducted outreach (Sacred Lands check) with the Viejas Band and to date no information related to Sacred Sites (type of site, location) has been provided. It is assumed that Viejas may be referring to sites that contain human remains. Consultation with the Most Likely Descendant (MLD) – Kumeyaay Cultural Repatriation Committee (KCRC) took place upon discovery of the human remains. The MLD took possession of the human remains and associated grave goods. All areas containing human remains will be avoided through project design which will include a buffer zone. A cultural survey and significance testing was conducted and it has been determined that there are cultural resources on site.

Cultural mitigation measures (M-CR-1) requires the implementation of an archaeological monitoring program that will include a Kumeyaay Native American monitor. All project conditions were provided for review during public review of the

	<p>DEIR. The commenter did not identify any inadequacies with the conditions. The project complies with all applicable laws and regulations. AB-52 does not apply because public review for the DEIR began prior to July 1, 2015. Should Federal permits be required, the National Environmental Policy Act and the Native American Graves Protection and Repatriation Act will apply to the Project. Project conditions have been revised to include communication with the Viejas Tribal Government throughout Project implementation.</p> <p>The balance of comments are not at variance with the environmental document. The environmental document (M-CR-1, M-CR-2) has been revised based upon these comments.</p>
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