

2.5 Cultural Resources

This section discusses potential impacts to cultural resources resulting from implementation of the Newland Sierra Project (project). The analysis is based on a review of existing cultural resources; technical data; and applicable laws, regulations, and guidelines. This analysis is derived from the Cultural Resources Technical Report for the Newland Sierra Project, which is attached as Appendix I to this EIR.¹ In addition, the analysis is informed by consultations conducted between the San Luis Rey Band of Mission Indians and the Pechanga Band of Luiseño Indians, as well as the written ethnography prepared and submitted by the Pechanga Band of Luiseño Indians (the “Pechanga Ethnography”), dated February 2017.

Comments received in response to the Notice of Preparation (NOP) included concerns regarding requirements for archaeological surveys, tribal consultation, and impacts to sensitive cultural resources. These concerns are addressed and summarized in this section. A copy of the NOP and comment letters received in response to the NOP is included in Appendix A of this EIR.

In the context of the California Environmental Quality Act (CEQA), cultural resources are categorized into two subtopics: archaeological and historic structures²:

- **Archaeological resources** can be either prehistoric or historical. Prehistoric archaeological resources date from before the onset of the Spanish Colonial period (1769), and historical archaeological resources date from after the onset of the Spanish Colonial period. In some cases, resources may qualify as both prehistoric and historical, as the operative dates of such resources fall within both time periods.
- **Historic structures** are commonly referred to as the “built environment.” Any building, structure, or object that is at least 50 years old is typically referred to as a historic structure. This EIR contains references to a “historic structure location” because no standing historic structures were identified in the cultural resources inventory for the Newland Sierra Project.

The project’s area of potential effects (APE) consists of the entire project boundary, including the project footprint (i.e., impact area), and areas of off-site improvements to Deer Springs Road (e.g.,

¹ Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15120(d), “No document prepared pursuant to [CEQA] that is available for public examination shall include ... information about the location of archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions of Section 6254 of the Government Code.” As such, Appendix I includes a redacted version of Dudek’s report that protects the confidentiality of such locations, and thereby protects against the potential disturbance and vandalism of potentially significant sites.

² Public Resources Code section 20174, which became effective in July 2015, introduced a third cultural resource subtopic known as **Tribal Cultural Resources**. Section 21074, however, took effect after the proposed Project’s Notice of Preparation was issued and, as a result, does not apply to the Project.

road-widening) identified in the County of San Diego's 2011 General Plan Update (County of San Diego 2011). The latter is a County of San Diego (County) project, but will be implemented by the proposed project. According to the Pechanga Ethnography, the southern portion of the proposed Project encompasses a tribal cultural resource known as *Pavxin* which served functions important to Luiseño lifeways and practices. Information provided by the San Luis Rey Band of Mission Indians also supports this view. Based on consultation with both Tribes and with the applicant, the County has determined that, for purposes of this EIR, the area known as *Pavxin*, as defined by the boundaries described below, will be deemed eligible for listing as a Traditional Cultural Property (TCP) as that term is used under state and federal law. Accordingly, project-related impacts to *Pavxin* may be considered significant and require mitigation.

As discussed in detail below, the project's APE contains eight cultural resource archaeological sites and two isolates. Although most of these sites have been disturbed by past activities or otherwise do not qualify as significant for the purposes of CEQA, three of the sites (CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822) were determined to be "unique archaeological resources," and are, therefore, subject to additional environmental review under CEQA. Portions of each of these three sites would be affected by project-related construction. Consequently, the project may have a significant impact on each site, requiring either avoidance or mitigation. The data indicate that the significant portions of site CA-SDI-4558 can be avoided, but that it is not feasible to avoid or preserve in place site CA-SDI-5951 or CA-SDI-9822, as they are located within an area that is intended to accommodate the proposed widening of Deer Springs Road. Impacts to these sites would be mitigated to less than significant via Phase III data recovery efforts pursuant to an approved treatment plan. The three sites in question form a cultural resource of substantial importance to the Luiseño, known as *Pavxin*. As noted above, this EIR treats the resource as a TCP for purposes of assessing and mitigating project-related impacts.

In addition, to the extent that grading activities uncover previously unknown or unanticipated cultural resources, all such activities would stop until the significance of the resource is determined. In the event that the affected resource is deemed significant, project grading would be adjusted to avoid it, if such avoidance is feasible. If avoidance is not feasible, the uncovered resource would be subject to data recovery and/or repatriation, as determined pursuant to the Tribal Resource Treatment Plan.

For cumulative impacts, the project's effects on the three significant cultural sites would constitute a cumulatively considerable contribution to a significant cumulative impact. The proposed mitigation measures (see Section 2.5.6), however, would reduce this impact to less than cumulatively considerable.

2.5.1 Existing Conditions

2.5.1.1 Environmental Setting

Natural Setting

The project Site is located within the northern portion of the Merriam Mountains, a narrow chain of low mountains generally running north/south with a variety of east/west-trending ridgelines and scattered peaks. These mountains originate near the northern end of the urban parts of the City of Escondido, and are bordered by Gopher Canyon Road to the north, Interstate 15 to the east, and Twin Oaks Valley Road to the west. The Merriam Mountains are approximately 8.5 miles long, and the project Site is situated on approximately 3 miles of the northern portion of the Merriam Mountains.

Natural topography of the Site is composed of hills and valleys dominated by significant rock outcroppings with moderate to steeply sloping terrain. On-site elevation ranges from approximately 660 feet above mean sea level near the northwestern limits of the project Site at Twin Oaks Valley Road, to approximately 1,750 feet above mean sea level in the west-central portion of the Site.

Portions of the Site contain steep slope lands as defined by the Resource Protection Ordinance (RPO), with slopes in excess of 25 percent (County of San Diego 2007a). Prominent, generally east/west-trending ridgelines divide the Site into five drainage basins, which are tributaries to Moosa Canyon, Gopher Canyon, and San Marcos Creek. Gopher Canyon is located north of the project Site, and a small portion of the South Fork of Gopher Canyon Creek runs southeast/northwest through the northwestern area of the Site, eventually meeting the San Luis Rey River. Both Gopher Canyon and the San Marcos Mountains show favorable attributes as habitat and corridors for larger wildlife (Appendix I).

Cultural Setting

Evidence for continuous human occupation in the San Diego region spans the last 10,000 years. 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). A detailed chronology of the cultural history of the San Diego region is described in full in Appendix I.

The Pechanga Ethnography provides substantial detail regarding manner in which local Indians interacted with the land in and around the Project site. According to that ethnography, the

Luiseño traditional territory encompasses approximately 2,000 square miles, including all of Western Riverside County and northwestern San Diego County.

The Luiseño aboriginal territory is determined by our oral traditions (i.e., songs and historical accounts) and is defined by place names, rock art, pictographs, petroglyphs, and an extensive artifact record.

(Pechanga Ethnography (2017), p. 3.)

The Luiseño creation story centers around a wise man named *Wuyóot*, who was both a teacher and protector of his people. The Pechanga Ethnography states that “through his creation, travels, and death, *Wuyóot* drew the design for the Luiseño ancestral territorial landscape.” (Pechanga Ethnography (2017), p. 5, citing Applegate 1979; Curti 2013; Pechanga Band 2016; White 1957:4-5, 1963:361.) As explained in the Pechanga Ethnography, the Luiseño understand time not as a linear progression of events, but “as a circular re-folding, where past, present, and future continually co-exist in and through different stories, relations, places, and activities.” (Pechanga Ethnography (2017), p. 6.) In addition, history, identity, and spirituality are intimately tied to specific environment, geographical features, landmarks, and landscapes, even though the boundaries of these landmarks and landscapes are sometimes not clearly delineated.

2.5.1.2 Methodology

2.5.1.2.1 Survey Methods

Archaeologists from Gallegos and associates completed a Phase I inventory and Phase II significance evaluations for the project in 2006–2007 (Gallegos et al. 2007). Dudek supplemented this work with additional surveys during 2013–2017, as necessary (Appendix I). Together, these surveys covered the entire project APE, other than those areas which could not be accessed due to topography or extensive vegetative cover. The purpose of the surveys was to determine the significance of cultural resources at the project Site, as that term is defined by the County and CEQA. The phase I inventory included a records search for a 1-mile radius around the project APE, and an intensive pedestrian survey (Gallegos et al. 2007). Per the standards established by the United States Secretary of the Interior, the “intensive” surveys involved transects spaced at no more than 25 meters apart, providing coverage for the entire APE. The Secretary of the Interior describes reconnaissance surveys as more general and best suited to developing a broad understanding of the nature of historic properties in a region, and to develop a historical context for research designs (NPS 2016). Reconnaissance surveys were employed on the project Site to revisit areas covered by prior intensive surveys to confirm existing conditions after the passage of time.

An unmanned aerial vehicle (UAV) survey was completed in February 2017 for the project Site and part of the off-site improvement areas. The purpose of this UAV survey was to produce high-resolution (1 centimeter) imagery to determine whether specific areas that could not be physically accessed due to vegetation had higher archaeological sensitivity than others.

Testing and field methods included collecting surface artifacts; site mapping; and excavating shovel test pits and 1- by 1-meter units to determine site size, depth, content, integrity, and significance (Appendix I). Gallegos and Associates 2007 project field personnel consisted of Larry Tift, Monica Guerrero, Karen Hovland, Nick Doose, Lucas Piek, Ryan Anderson, Carmen Lucas, and Jo Huval. Mark Mojado (San Luis Rey Band of Mission Indians) and Manuel Masiel (Pechanga Band of Luiseño Indians) provided Native American monitoring services during the Gallegos and Associates 2007 survey. Dudek personnel consisted of Micah Hale, Mark Basgall, Brad Comeau, Nicholas Hanten, Adam Giacinto, Matthew DeCarlo, Angela Pham, Scott Wolf, Chay Morrissey, Javier Hernandez, Patrick Hadel, Makayla Murillo, Kent Smolik, Thomas Stanley, Victor Herrera, Zach Lefevre, Allana Griffith, and Joshua Cullen, who were accompanied by PJ Stoneburner and Banning Taylor on behalf of the San Luis Rey Band of Mission Indians for surveys occurring between 2014 and 2017. Tony Foussat and Robert Ringlero from Pechanga participated in the survey in April 2017.

Prior to design changes that reduced the project acreage to 1,985 acres, field personnel performed an intensive pedestrian survey on 2,300 acres using transects spaced 10 meters apart, where feasible. Transects were oriented according to terrain. Excessively steep, densely vegetated slopes were surveyed using targeted methods where surveyors traversed the slope to inspect areas of earthen exposure. The off-site improvement APE was also surveyed intensively, with transects oriented according to the alignment.

Ground surface visibility varied from fair to poor throughout the project Site, with at least minimal vegetation cover throughout the APE. In areas of poor visibility, efforts were made to clear low-growing grasses and other vegetation to inspect the surface. Vegetation was also pushed aside to inspect boulders for Native American grinding surfaces (i.e., milling features). Disturbances noted during the survey was moderate to substantial due to historic and modern land uses, including farming; clearing/grubbing; bioturbation; erosion and deposition; and construction of roads, buildings, and other such features (Appendix I).

Surveying efforts focused on identifying and recording historic- and prehistoric-period artifacts, features, and sites. A GPS receiver was uploaded with data that included project boundaries, previously identified cultural resources, background aerial photographs, and a data dictionary designed to note attributes necessary for completion of Department of Parks and Recreation (DPR) Forms 523A through 523L, as appropriate. Photographs were taken for each site area, artifact concentration, and feature (Appendix I).

DPR records for all newly encountered and revisited sites were filled out and submitted to the South Coastal Information Center.

The County and project applicant also engaged representatives from the San Luis Rey Band and the Pechanga Band in a site survey to determine the TCP boundary for *Pavxin*.

2.5.1.2.2 Test Methods

The methods used to test for buried archaeological deposits and to evaluate the significance of archaeological resources are described below. These methods are consistent with the County's cultural resources guidelines on methodology, and represent standard archaeological practice.

Shovel Test Pit Excavation

Shovel test pits (STPs), 30 centimeters in diameter, were used to assess site size and depth based on buried deposits. STPs were excavated in 10-centimeter levels, with all soil dry-screened using 1/8-inch hardware mesh. The artifacts removed were bagged according to STP and level. Intervals for STPs were 10 to 20 meters across each site. Additional STPs were placed near bedrock milling features and surface artifacts. The purpose of STPs is to quickly assess the presence of buried archaeological materials and to provide a gross measure of their density and quality (Appendix I).

Unit Excavation

When a subsurface component was identified, one 1- by 1-meter test unit was excavated to determine site content, integrity, and potential to address important research questions. Placement of the unit was determined by either the highest amount of subsurface material or the most likely area to possess subsurface material (based on surface remains, natural features, and STP results). Units were excavated in 10-centimeter levels to sterile. Sterile defines one of three scenarios: when bedrock is encountered, when excavation of one level produces no cultural material, or when excavation of two consecutive levels produces a significant decline in cultural materials. All soil was dry-screened using 1/8-inch hardware mesh screens (Appendix I).

All cultural material collected from each 10-centimeter level was sorted and bagged for laboratory analysis and cataloging. Each bag was marked with the site number, unit number, level, and date of recovery. Field forms were kept on a daily basis and provide information identifying excavator(s), date, location, unit number, level, types and quantities of materials collected, and changes in soil. At least one photograph and one hand-drawn sketch of each unit was provided to show the north sidewall profile, or a profile of the unit wall that offered the best stratigraphic detail (Appendix I).

If features (e.g., fire hearth, rock platform, artifact cache, rock cairn) were encountered, additional excavation expansion units may have been necessary to expose the feature. Features were photographed and illustrated, and associated artifacts labeled.

2.5.1.2.3 Laboratory Methods

An industry standard system of cleaning, cataloging, and analyzing cultural remains was used for artifacts recovered during this study. These procedures include cleaning and separating artifacts and ecofacts by material class for each unit level prior to cataloging. Each item, or group of items, was counted, weighed, and/or measured, and given a consecutive catalogue number marked directly on the artifact or on an attached label. Additionally, each item was analyzed for specific characteristics particular to each material class. All cataloged items were divided into typological categories and placed within labeled boxes prepared for permanent curation at the San Diego Archaeological Center (Appendix I).

All artifacts and ecofacts collected were treated using accepted and appropriate archaeological procedures. Initial laboratory work included washing and/or brushing artifacts and cataloging. Artifacts were sorted into classes, such as bifaces, cores, bone tools, beads, milling tools, and flakes. Cataloging provides basic data such as count, measurement, weight, material, condition, and provenience. The catalogue also offers information about horizontal and vertical distribution of cultural material. Specialized studies were conducted after the initial sorting and cataloging. The number and type of specialized studies completed depended on the materials recovered and the level of research. Studies completed included lithic technological analysis and vertebrate faunal analysis (Appendix I).

2.5.1.2.4 Disposition of Cultural Materials

Prehistoric sites CA-SDI-4558 and CA-SDI-9822 have been subject to previous archaeological excavation. The California Department of Transportation (Caltrans) commissioned an excavation of CA-SDI-4558, resulting in repatriation of those materials to a tribal entity (see Appendix I). As discussed below, however, additional cultural materials remain at the project Site. Palomar Community College conducted multiple rounds of test excavations at CA-SDI-9822, resulting in large collections of cultural material; these collections were temporarily housed at Palomar Community College but were never formally curated or repatriated (see Appendix I). Dudek obtained portions of the previously excavated collections from CA-SDI-9822 from Palomar Community College, and produced a formal catalog of the materials; these collections are temporarily housed at Dudek's laboratory facility, and will remain so until their final disposition is determined (Appendix I).

Through extensive consultation with the San Luis Rey Band, the Pechanga Band, and the applicant, the County has agreed that all cultural materials excavated or removed from prehistoric or historic sites, including the *Pavxin* TCP, shall be processed according to the terms and conditions of the Tribal Treatment Plan. That plan may permit data recovery, following consultation with the affected Tribes. If, through implementation of the Tribal Treatment Plan,

the parties agree that certain cultural resources should be permanently curated, such curation will take place at a San Diego curation facility or a culturally affiliated tribal curation facility meeting federal standards (36 Code of Federal Regulations (CFR) Part 79). Curation includes field notes, photographs, catalogues, and final reports. Collections from previous excavations at site CA-SDI-9822 will be combined with any collections recovered as a result of the current study and any future testing and/or data recovery programs. These artifacts and associated documentation are necessary to produce a comprehensive report of finding for sites CA-SDI-4558 and CA-SDI-9822. Additionally, the project applicant agrees to execute a release of title form and to pay the required curation fees in effect at the time of curation (Appendix I).

Per the Tribal Treatment Plan, all material not expressly identified for curation will be placed in a predetermined and agreed upon reinternment/repatriation area on the project site. The details of the reinternment/repatriation area are set forth below.

2.5.1.2.5 Native American Consultation

The proposed Project contemplates an amendment to the County General Plan. As a result, the Project is subject to the Native American consultation requirements set forth in Senate Bill (SB) 18 and inserted into the California Government Code. Specifically, Government Code section 65352.3 provides that any city or county, when adopting a General Plan or General Plan amendment,

shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for purposes of preserving or mitigating impacts to places, features, and objects described in Section 5097.9 and 5097.993 of the Public Resources Code that are located within the city or county's jurisdiction.

Government Code section 65352.4 defines "consultation" as "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement." Section 65352.4 also requires that such consultation be conducted in a way that respects each party's sovereignty and recognizes the need for maintaining the confidentiality of "places that have traditional tribal cultural significance." In addition, Government Code section 65562.5 provides the following additional consultation requirements for land to be designated as open space:

(I)f land designated, or proposed to be designated as open space, contains a place, feature, or object described in Sections 5097.9 and 5097.993 of the Public Resources Code, the city or county in which the place, feature, or object is located shall conduct consultations with the California Native American tribe, if any, that has given notice pursuant to Section 65092 for the purpose of determining the

level of confidentiality required to protect the specific identity, location, character, or use of the place, feature, or object and for the purpose of development treatment with appropriate dignity of the place, feature, or object in any corresponding management plan.

In compliance with the SB 18 requirements, the County has engaged in consultations with the Pauma Band of Luiseno Indians, Pechanga Band of Luiseño Indians, Rincon Band of Luiseno Indians, and the San Luis Rey Band of Mission Indians.

Note, however, that because the Project's Notice of Preparation was filed on February 15, 2015—five months prior to the effective date of Assembly Bill (AB) 52 on July 15, 2015—the project is not subject to AB 52's additional requirements regarding consultation with Native American tribes. For this reason, the County and applicant did not conduct a formal AB 52 consultation with the Pechanga Band of Luiseño Indians and the San Luis Rey Band of Mission Indians. Nevertheless, the County contacted the Native American Heritage Commission (NAHC) to request information and/or input regarding Native American concerns associated with the proposed project, and to request names of individuals or tribes that may have an interest in or information regarding cultural resources at the Site. The NAHC responded by stating that any impacts to significant cultural resources and mitigation, as necessary, must be described in the EIR, and provided a list of Native American contacts with knowledge of or interest in the Site. Letters were sent to those individuals and organizations identified by the NAHC, requesting information about cultural resources at the Site.

In addition, Mark Mojado (San Luis Rey Band of Mission Indians) and Manuel Masiel (Pechanga Band of Luiseño Indians) provided monitoring surveys during the 2007 archaeological fieldwork, and PJ Stoneburner, and Banning Taylor (on behalf of the San Luis Rey Band of Mission Indians) provided monitoring services for surveys and test excavation fieldwork from 2014 to 2017. Monitors were selected based on availability and proximity of the tribe to the project Site. The San Luis Rey Band of Mission Indians is in direct proximity to the project Site; therefore, monitors from the San Luis Rey Band were used most frequently.

On August 14, 2016, the County held an on-site consultation meeting with Native American representatives regarding sites CA-SDI-4558 and CA-SDI-9822. Native American representatives from the San Luis Rey Band of Mission Indians, Pechanga, and Pauma attended the Site visit. During the meeting, the project's design and development impacts, including road alternatives, were discussed. All open space planning efforts, including use of cultural resources for public interpretation and/or capping and protecting the resources, were discussed with local Native American Tribal governments. Several other meetings were held with consulting tribes. These included meetings between the County and tribes, and meetings among tribal representatives, the applicant, and Dudek. During these meetings, tribal representatives provided

information on the importance of local resources, such as archaeological sites CA-SDI-4558, CA-SDI-9822, which were visited in person with participating tribes (representatives from Pechanga, Pauma, Rincon, and San Luis Rey Bands were present), the applicant, Dudek staff, and County staff.

Pechanga also provided a region-specific, written ethnography to the applicant and County in February 2017 (the Pechanga Ethnography). The ethnography provided specific tribal information on the project APE and overall landscape. The ethnography and records of all tribal correspondence are in a confidential on file maintained by the County and summarized in Appendix I. Based on its review of the ethnography and its confidential discussions with the San Luis Rey Band, the County conducted further meetings with the San Luis Rey Band, Pechanga and the applicant for purposes of defining a boundary for the *Pavxin* TCP. As part of the ongoing consultation, the applicant and representatives from the San Luis Rey Band and Pechanga inspected the archaeological sites to “ground-truth” the TCP boundary and develop appropriate mitigation strategies for any project-related impacts to it.

2.5.1.3 Records Search Results

Archaeologists from Dudek conducted a records search for the project Site (including the off-site improvement areas) and surrounding 1-mile radius in 2004 at the South Coast Information Center (SCIC). A supplemental search of the California Historical Resources Information System (CHRIS) at the SCIC was conducted on November 11, 2014. The supplemental search included any previously recorded cultural resources and investigations within a 1-mile radius of the project Site. The updated CHRIS search also included a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California State Historic Resources Inventory list (Appendix I).

SCIC records indicate that 132 previous cultural resources studies have been performed within the records search area. Refer to Appendix I for a full list of previous studies.

The records search indicated that nine cultural resources (CA-SDI-4370, -4371, -4558, -5639, -5640, -5951, -9253, -9822, and -10747H), one isolate (SDM-W-3880C), and one historic structure/location (from 1901) have been previously identified within the project’s APE (see Appendix I).

2.5.1.4 Survey Evaluation and Results

Dudek conducted a field survey of the entire APE, including approximately 2,300 acres of the initially designed project Site, and associated off-site improvement areas, including the areas identified to accommodate the proposed widening of Deer Springs Road.³

Through the field surveys, personnel were able to re-locate⁴ five previously recorded sites (CA-SDI-4558, -5951, -9253, -9822, and -10747H), and identify two new sites (CA-SDI-17264 and CA-SDI-17265) and one isolate (P-37-025968) (shown in Figure 4-1 in Confidential Appendix B of the Cultural Resources Report for this EIR (Appendix I)). Personnel were not able to re-locate four previously recorded sites (CA-SDI-4370, CA-SDI-4371, CA-SDI-5639, and CA-SDI-5640) or the isolate³ (SDM-W-3880C); these have likely been destroyed. They may also be located adjacent to but outside of the project APE. Personnel also were not able to re-locate the historic 1901 structure/location, and it appears to have been destroyed. At the request of the County, all Native American cultural resources identified in the APE and the records search radius for this project were treated as an archaeological landscape (Appendix I).

Previously Recorded Sites

CA-SDI-4370

Site CA-SDI-4370 was not re-located and appears to have been destroyed by previous grading for housing and ranch development.

CA-SDI-4371

Site CA-SDI-4371 was not re-located within the project Site. The site may have been located off-site and to the west; however, it was likely destroyed by construction of a road that now occupies the center of the recorded site area.

CA-SDI-4558

Site CA-SDI-4558 was re-located during the current study, and two additional bedrock milling features were identified. This site appears to be in the same condition as previously reported by Cook et al. (1977). One foundation was identified in the central portion of site CA-SDI-4558,

³ Some areas of the APE could not be surveyed due to topography and heavy vegetation cover.

⁴ As used in this report, the term “re-locate” means to physically find a cultural resource that was previously identified in recorded documents.

³ A site consists of three or more artifacts within a 25-square-meter area, or at least one feature (such as a bedrock milling feature). An isolate is a resource that does not meet the definition of one of the five NRHP resource types (e.g., less than three artifacts). See OHP 1995 for details.

and another foundation was identified adjacent to and north of the site. Both foundations appear to be the remains of residential structures that were previously analyzed by Cook et al. (1977) as postdating 1947. This site was disturbed by construction of Deer Springs Road, construction of houses, construction of paved access roads, grading, agricultural use, bioturbation, and trash dumping. CA-SDI-4558 is one of three loci for the TCP cultural resource area referred to as *Pavxin* in the Pechanga Ethnography (the other two being CA-SDI-9822 and CA-SDI-5951). Dense archaeological deposits contained in midden soils, along with human remains were previously identified at the site by Cook et al. (1977). The remains and archaeological collection were repatriated to Native American representatives at the time of the study.

CA-SDI-5369

Site CA-SDI-5639 was not re-located and appears to have been destroyed as a result of construction of Twin Oaks Valley Road and the San Diego Aqueduct.

CA-SDI-5640

Site CA-SDI-5640 was not re-located, as it was destroyed by the development of Twin Oaks Valley Road.

CA-SDI-5951

Site CA-SDI-5951 was re-located some 100 meters west of its originally mapped location. Bedrock milling features and two small, dense midden deposits were noted. A portion of the site was impacted by construction of Deer Springs Road. CA-SDI-5951 is one of three loci for the cultural resource area referred to as *Pavxin* in the Pechanga Ethnography (the other two being CA-SDI-9822 and CA-SDI-4558).

CA-SDI-9253

Site CA-SDI-9253 was re-located during the current survey. Four bedrock milling features and debitage (stone chipping debris) were noted. A portion of the site was impacted by construction of a post-1930s homestead (see site CA-SDI-10747H); however, the majority of the site appears to be in good condition.

CA-SDI-9822

Site CA-SDI-9822 was re-located during the current survey. Bedrock milling features and a rock with a pictograph were re-located. Surface artifacts noted included debitage, pottery, a ceramic pipe fragment, and burned bone. Rodent disturbance, modern trash dumping, and foot traffic were also noted. A protective fence installed by Palomar Community College is still in place around most of the site area; however, the fence has been partially torn down along Deer Springs

Road. The southern portion of site CA-SDI-9822, north of Deer Springs Road, is currently eroding into the road. The site has been extensively disturbed by construction of Deer Springs Road, illegal artifact prospecting, trash dumping, grading, and archaeological excavation. CA-SDI-9822 is one of three loci for the identified TCP, the other two being CA-SDI-4558 and CA-SDI-5951. The remainder of the TCP consists primarily of the roadbed beneath Deer Springs Road, which connects the three archaeological sites. Previous archaeological investigations by Palomar Community College at the site identified human remains along with a dense midden deposit containing a high diversity of archaeological materials. On loan from Palomar Community College, Dudek obtained portions of the previously generated archaeological collections and produced a catalog.

CA-SDI-10747H

Site CA-SDI-10747H is located adjacent to site CA-SDI-9253, and includes the remains of a house, a collapsed wood structure, and a rock and mortar hearth/chimney structure. The site has been disturbed by foot traffic from the adjacent trail, minor trash dumping, and some off-road-vehicle activity.

1901 Historic Structure Location

The historic structure/location identified on the 1901 Escondido and San Luis Rey U.S. Geological Survey maps was not re-located, and appears to have been destroyed. Historic research identified the historic location within the Dietschy homestead. The lack of physical evidence of the structure suggests that the site has been disturbed. Other disturbances include minor earth moving, dirt-road traffic, foot traffic from the adjacent trail, minor modern trash dumping, and some off-road-vehicle activity.

Newly Recorded Sites

CA-SDI-17264

Site CA-SDI-17264 consists of a light lithic scatter located in the southwest portion of the project Site. This site consists of a single bifacial handstone and debitage within a dirt road. Because of the dense vegetation, the site boundary is unknown.

CA-SDI-17265

Site CA-SDI-17265 consists of a single bedrock milling feature located in the west portion of the project Site within a flat valley. The single milling feature consists of a large grinding slick, approximately 60 by 30 centimeters in area. No surface artifacts were noted. The site has been disturbed by foot traffic and off-road-vehicle activity adjacent to the site.

P-37-025968

Isolate P-37-025968 was located within the northeast off-site improvement area. This isolate is a single piece of debitage, which was collected. No features or additional artifacts were noted.

Reconnaissance Survey

Reconnaissance surveys were conducted in 2013, 2014, 2016, and 2017 to revisit the locations of previously recorded archaeological sites, including those re-located by the initial survey and those that were not re-located. The reconnaissance survey generally confirmed the location and condition of archaeological sites re-located during the initial survey. The one exception is site CA-SDI-5951, which was not re-located during surveys in 2013 and 2014, but was re-located by Dudek in 2016. However, the reconnaissance survey revealed recent excavation holes at CA-SDI-4558 and CA-SDI-9822, indicating that someone is illicitly prospecting for artifacts at these sites. Additionally, cultural materials at both of these sites and at CA-SDI-5951 are currently eroding into the public road right-of-way (Appendix I).

In addition, in April 2017, the applicant's archaeologists joined tribal representatives from the San Luis Rey Band and Pechanga Band on an additional site visit, the purpose of which was to "ground-truth" the TCP boundary and develop appropriate mitigation strategies for any project-related impacts to the TCP. During this visit, one additional bedrock milling surface and one ceramic sherd was identified on the slope adjacent to CA-SDI-9822 and one additional ceramic sherd was identified to the west of CA-SDI-5951.

Unmanned Aerial Vehicle Survey

UAV imagery was inspected by Dudek archaeologists and provided to the San Luis Rey Band and Pechanga for the purposes of identifying areas of interest that may contain cultural resources that were not previously identified. A specific field visit was conducted on March 23, 2017, with Dudek archaeologists and representatives of the San Luis Rey Band to target areas identified as potentially containing cultural resources. No additional discoveries were made during this field visit, or from the UAV imagery alone.

Archaeological Evaluation

The Project design is intended to minimize impacts on sites. Re-located sites that could not be avoided through project design were tested for cultural resources potential. These sites are CA-SDI-4558, CA-SDI-5951, CA-SDI-9253, CA-SDI-9822 (SDM-W-223-A), CA-SDI-10747H, CA-SDI-17264, and CA-SDI-17265. Detailed results of the archeological evaluations, which included STPs, cataloguing, and laboratory analysis, are found in Section 2.2.2 of Appendix I to

this EIR. All sites were considered to be elements of an archaeological landscape, defined for management purposes as the project APE and the 1-mile-radius records search buffer.

CA-SDI-4558 Test Results

At this site, archaeological testing included excavation of 24 STPs; documentation of bedrock milling features; re-location of the site boundary; examination of the 1977 fieldwork notes, maps, and artifact catalogue; and artifact cataloguing and analysis for the materials recovered from STP excavation. A total of 18 STPs were positive for cultural material, producing one biface, 75 pieces of debitage, two groundstone fragments, and 3.8 grams of bone (Table 4-2 and Confidential Appendix C of the Cultural Resources Report of this EIR (Appendix I)). Rodent disturbance and modern trash dumping were noted throughout the site. Two foundations were identified within and adjacent to site CA-SDI-4558. Both foundations were determined to be the remnants of residential structures that postdate 1947, based on an analysis by Cook et al. 1977.

Two bedrock milling features (BRM) were identified during the current study. BRM-1 is located on a flat, sloping boulder in the central portion of the site, southwest of the house foundation. BRM-2 is located on a flat, sloping boulder in the central portion of the site, south of the house foundation. Both bedrock milling features exhibit heavy weathering, and portions of the milling elements have exfoliated.

Testing at CA-SDI-4558 recovered a wide range of artifacts, including cobble and flake tools, bifaces, milling tools, bone tools, a crystal, ceramics, shell, and bone. These test results are consistent with those of Cook et al. (1977). CA-SDI-4558 has been disturbed by construction of roads and houses, grading, agriculture use, modern trash dumping, and rodent disturbance. Flake production from locally available nodules suggests flake tool use and/or biface production. Most likely, these tools were manufactured and used at the site, then transported elsewhere for use where stone tool materials may not have been as readily accessible. This site is identified as an Early Period habitation site with a light Late Period component. A wide range of activities were probably conducted here, including hunting and collecting and processing plants and seeds, as represented by the biface and groundstone tool fragments. The presence of bone and shell identifies the exploitation of small to medium mammals, and demonstrates the variety of foods collected, hunted, and processed. Bone and shell material could also signify or constitute ceremonial offerings. Previous excavations at the site (e.g., Cook et al. 1977) identified human remains. All artifacts, including human remains, collected during the Cook et al. 1977 study were repatriated to a local tribe.

CA-SDI-9253 Test Results

Testing at CA-SDI-9253 included excavation of 13 STPs and one 1- by 1-meter unit, producing 15 pieces of debitage and 1.2 grams of bone. Disturbance from bioturbation and organic materials was noted. A small amount of nodule core reduction activities may be apparent within the lithic assemblage; however, lithic reduction activities completed at the site were minimal. The present sample is too small to make any definitive statements concerning the past activities of the inhabitants of CA-SDI-9253, other than situational vegetal processing and related tasks.

CA-SDI-5951 Test Results

Testing at CA-SDI-5951 involved excavation of four STPs, one shovel test unit, surface collection, and recordation of 14 bedrock milling features. The evaluation produced 209 pieces of debitage, three cores, one flake tool, six projectile point fragments, two hammerstones, four handstone fragments, one indeterminate groundstone fragment, fire-affected rock, charcoal samples, 71 grams of bone, and 40.7 grams of shell. Disturbances at the site included installation of a utility pole; rodent burrows; construction of Deer Springs Road; and grading on the east end of the site, which involved pushing large boulders into the site. The site likely extended farther south, as midden soil and artifacts can be observed in the bank of the road. Flake production from locally available nodules suggests flake tool use and/or biface production. Most likely, these tools were manufactured and used at the site. The remains and the range of small to medium size mammal bone demonstrate the range of foods collected, hunted, and processed. In addition, the presence of shellfish and obsidian indicates trade/travel from the inland location of CA-SDI-5951 to the coast, and the wonderstone and obsidian materials indicate trade/travel to the Imperial Desert and Northern/Central California, respectively. The resurvey and evaluation re-located the site approximately 100 meters to the west of the previously mapped location. In addition to the artifacts noted above, multiple small fragments of bone were recovered that were identified as being possibly human. The San Luis Rey Band of Mission Indians was identified by the NAHC as being the most likely descendant (MLD).

CA-SDI-9822 Test Results

CA-SDI-9822 was previously excavated by archaeology students from Palomar Community College as part of a “field study”. Those excavations focused on the main midden deposit at the site and produced a rich assemblage of cultural material that was housed at Palomar Community College. To better determine the boundary of CA-SDI-9822, five STPs were excavated, which produced 68 pieces of debitage, one biface, 13 ceramic fragments, one *Olivella* sp. shell bead, 64.11 grams of shell, and 13.11 grams of bone. Disturbance from construction and bioturbation was noted in all STPs. Flake production from locally available nodules suggests flake tool use and/or biface production. Most likely, these tools were manufactured and used at the site. The

remains and the range of small to medium size mammal bone demonstrate the range of foods collected, hunted, and processed. In addition, the presence of shellfish and obsidian indicates trade/travel from the inland location of CA-SDI-9822 to the coast, and travel to such areas as the Salton Sea to acquire obsidian. The current study resulted in the extension of the site boundary to the west, north, and east of the fenced area to include additional bedrock milling features and the pictograph feature, and to the south to include the newly identified portion of CA-SDI-9822 south of Deer Springs Road.

The Palomar College archaeological collection was examined and determined to lack provenience and, thus, cannot be used for interpretation of site structure or to address issues of diachronic change in assemblage composition. The collection does, however, retain value as a unique comparative collection due to its diversity of artifacts and the broad index of constituents it provides. Moreover, possible human remains and grave goods were identified in the Palomar College collection. The final disposition of the Palomar Community College archaeological collection, including human remains, will be decided through negotiations between the MLD (the San Luis Rey Band) and the College who currently owns the collection. No human remains or grave goods were identified in the five STPs excavated to determine the site boundary.

CA-SDI-10747H Test Results

Testing for this site included historical research and GPS mapping of the structure foundations. The location for the structure foundations does not appear on early U.S. Geological Survey maps, and the foundations appear to be more recent than the 1930s. Background historical research confirmed that Orland Arthur Rush homesteaded the property located at CA-SDI-10747H. Rush acquired 400 acres from the government on October 5, 1931, under the 1916 Homestead Entry-Stock Raising statute. The site has been disturbed by foot traffic from the adjacent trail, modern trash dumping, and some off-road-vehicle activity.

Testing included historical research and GPS mapping of the structure foundations present at the site. Site CA-SDI-10747H consists of the remnants of a post-1930s three-room house, a rock and mortar hearth/chimney structure, a stone and concrete one-room foundation, and a partially collapsed wood structure. None of the early maps reviewed identified a historic structure in this area. Additionally, no structure at this location is present on aerial photos from 1967 or earlier. Although clear evidence is not available to date the existing foundations, the 1916 Homestead Act did require improvements to any granted homestead within 3 years of the claim. As no other structures were identified in the area that could correspond to an early 1930s homestead, it appears that this is the location of the Rush homestead.

CA-SDI-17264 Test Results

Testing at CA-SDI-17264 produced one debitage, two manos (one complete mano and one mano fragment), and one metate fragment. Disturbance from bioturbation and organic materials (i.e., roots) was noted in the excavated STPs. The present sample is too small to make any definitive statements concerning the past activities of the inhabitants of CA-SDI-17264. It is probable that the site appears to have been briefly occupied for limited plant processing.

CA-SDI-17265 Test Results

Testing at site CA-SDI-17265 included excavation of eight STPs and documentation of one bedrock milling feature. Testing at site CA-SDI-17265 produced one debitage. Seven STPs were negative and one STP was positive. The present sample is too small to make any definitive statements concerning the past activities of the inhabitants of site CA-SDI-17265. Foot traffic, off-road-vehicle activity, and previous grading have disturbed the site and adjacent areas.

Archaeological Landscape

At the direction of the County, all aboriginal archaeological sites (i.e., sites with potential Native American affiliation) within the project APE and a 1-mile records search radius were treated as an archaeological landscape to better understand spatial and temporal patterning (Appendix I). Each site is being managed by the County as the lead agency, and the archaeological landscape is being used here as a conceptual tool to address research issues.

For this project, the archaeological landscape was found to be anchored by three significant and unique archaeological sites: CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822. All three of these sites fall within the project APE, and are located in the Deer Springs Road corridor. These three sites taken together represent the entire range of variability of archaeological characteristics for the landscape, having multiple bedrock milling features and anthropogenic midden deposits that contain diverse artifacts, including projectile points, bifacial and unifacial stone tools, stone chipping debris (debitage), battered stones, grinding stones, modified stone (vessels and ornaments), ceramic fragments (vessels, pipes, and ornaments), bone artifacts (tools and ornaments), large numbers of shell beads, historic glass beads, diverse faunal remains (bone and shell), and other materials. Moreover, human remains and grave goods have been recovered from all three sites (CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822) in contexts that make it difficult to separate grave goods from non-grave goods in the archaeological assemblages.

All other aboriginal archaeological sites recorded within the APE (n=7) consist of some low-frequency combination of bedrock milling features, chipped stone, and ceramics, but lack significant or substantial subsurface deposits. This pattern defines 19 out of the 23 aboriginal archaeological sites outside of the APE but within the 1-mile records search study area; four other archaeological sites appear to be prehistoric habitation sites, having at least some indication of midden deposits associated with bedrock milling features.

No other archaeological sites in the APE or records search area compare, archaeologically, to CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822 in terms of the diversity and density of archaeological deposits. Overall, these three sites were likely the habitation hubs of aboriginal settlement in the area, which, in turn, are tied to present-day Native American Luiseño tribes. Their situation within a well-watered drainage and natural travel corridor supports this conclusion.

CA-SDI-4558 primarily dates to the Archaic period (i.e., before AD 500), when Native American settlement was focused on serial site occupation by multiple families (Hale 2001). As such, it was probably a convenient seasonal encampment for groups traveling between the coast and the Peninsular Range. CA-SDI-4558 is the early anchor of aboriginal settlement of this landscape.

CA-SDI-5951 and CA-SDI-9822 primarily post-date AD 500, with most of the assemblage dating to the last 500 years, based on time-sensitive artifacts recovered from these two sites. Within this timeframe, the local archaeological landscape comes into greater focus. Bedrock milling features are primarily a Late Prehistoric phenomenon, increasing dramatically in frequency after approximately AD 1000; prior to this timeframe, most processing was completed with non-stationary millstones (Hale 2009). Because bedrock milling features usually post-date at least AD 500, the beginning of the Late Prehistoric period, the vast majority of aboriginal archaeological sites in the project APE and records search study area were socioeconomically related to CA-SDI-5951 and CA-SDI-9822. That is, the bedrock milling sites with minimal archaeological deposits were probably task-specific locations where gathered resources were processed prior to transport back to the larger habitations, such as CA-SDI-5951 and CA-SDI-9822. Such a settlement pattern of large habitations supporting multiple families that splinter off for daily subsistence tasks defines the end of the Late Prehistoric period in San Diego County overall (Hale 2001, 2009), and is corroborated by ethnohistoric accounts of the Luiseño (Bean and Shipek 1978). Despite the abundance of archaeological evidence of occupation within the last 1,500 years, it is likely that occupation of both sites spanned substantially greater portions of human prehistory in the region. Such antiquity is represented not more than one mile east at CA-SDI-4558.

The Late Prehistoric archaeological landscape within the study area bridges the prehistoric and ethnohistoric eras. CA-SDI-5951 and CA-SDI-9822 contain multiple artifacts that date to the post-Mission (after AD 1776) historic period. These artifacts include glass beads of European manufacture (Appendix I). The beads were found intermingled with traditional Native American Olivella shell beads that functioned as a currency, facilitating the distribution of commodities and helping Native Americans participate in the growing Euro-American economy (Appendix I). The presence of these beads comingling with a richness of subsistence technology and food remains indicates that the Native American occupants of this landscape were thriving economically (Appendix I).

Cultural Landscape

Unlike an archaeological landscape analysis, which focuses on artifacts and tools and attempts to relate these to particular functions on site, a cultural landscape analysis connects geographical features and human artifacts to cultural traditions and practices. During government-to-government consultation with the County, both the San Luis Rey Band and Pechanga shared that the Project site – contained an area known by the Luiseños as *Pavxin* – an area of significant cultural and spiritual importance, as well as a route between the ocean and inland villages.

The available ethnographic information – along with the archaeological record for sites CA-SDI-9822, CA-SDI-4558, and CA-SDI-5951 – show that this portion of the project site was used not just for habitation but for tribal ceremonies as well. (Pechanga Ethnography, p. 13.) Based on consultation with the affected Tribes and the applicant, the County has determined that three archaeological sites listed above, plus the roadbed materials beneath Deer Springs Road that connect them, constitute a TCP (Traditional Cultural Property) as that term is defined under state and federal law.

2.5.1.5 Native American Outreach/Consultation

Native American consultation is currently being performed by the County and is on-going. Any information provided by the NAHC or tribes regarding archaeological sites or potential Traditional Cultural Properties (TCPs) or Tribal Cultural Resources will be documented as an addendum to the Cultural Resources Technical Report (Appendix I) after such details are provided by the County. To date, two Native American tribes (San Luis Rey and Pechanga) have verbally indicated that they attach cultural value to sites CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822, and both have identified these sites as TCPs and Tribal Cultural Resources. Both tribes verbally indicated that these sites are part of a larger tribal cultural landscape. Both tribes have been informed that the CEQA statutes that pertain to tribal cultural resources and tribal cultural landscapes (Public Resources Code (PRC) Sections 21074, 21080.3.1, 21080.3.2, 21082.3, and 21084.3) post-date the Notice of Preparation (NOP) for this project and therefore do not apply.

In addition, Pechanga provided a region-specific written ethnography, drafted from the Pechanga perspective, which covers the project APE. The ethnography is included as a confidential attachment to Appendix I.

During the current archaeological evaluation, artifacts and remains were identified or recovered that could be reasonably associated with Native American practices. Aside from human bone and other human remains, evidence of ceremony or items of cultural patrimony include burned beads (shell, stone, glass) and projectile points, pottery whirls, and pipe fragments, among other

objects. Sites CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822 have especially dense concentrations of these materials, which are often discriminators for sites where Native Americans attach religious or cultural significance.

Moreover, CA-SDI-5951 and CA-SDI-9822 contain dense concentrations of post-Mission period (post-AD 1776) historic and aboriginal artifacts, including Euro-American glass beads. The density and diversity of these artifacts, in association with a robust archaeological deposit containing general subsistence remains, indicate that a socioeconomically stable Native American group inhabited the region well into the Mission period, without evidence of Mission control. The County's ongoing consultation with culturally affiliated tribes and Native American individuals will provide details about the Native American value, purpose, use and analysis of these sites. This information will be described in an addendum to the Cultural Resources Technical Report (Confidential Appendix I).

2.5.2 Regulatory Setting

As summarized below, treatment of cultural resources located on the project Site is governed by state and local laws and regulations. There are specific criteria for determining whether prehistoric and historic sites or objects are significant and/or protected by law. For instance, state significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. As a whole, the laws and regulations seek to avoid impacts to significant prehistoric and historic resources, and, when avoidance is not feasible, to mitigate impacts to less than significant. In some cases, mitigation can be achieved through "preservation in place" techniques, but when such techniques are infeasible, mitigation can be accomplished via data recovery.

State Regulations

California Register of Historical Resources (Public Resources Code Section 5020 et seq.)

In California, the term "historical resource" includes "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (Pub.Res. Code § 5020.1(j)). In 1992, the California legislature established the CRHR "to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change" (Pub.Res.Code § 5024.1(a)).

A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following National Register Historic Properties (NRHP) criteria (Pub.Res.Code §5024.1(c)):

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

Resources less than 50 years old are not considered for listing in the CRHR, but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 California Code of Regulations Section 4852(d)(2)).

Note that TCPs are among the categories of historic properties that may be included in the NRHP.

The CRHR protects cultural resources by requiring evaluation of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. The State Historic Preservation Officer maintains the CRHR.

Native American Historic Resources Protection Act (California Public Resources Code Section 5097 et seq.)

The Native American Historic Resources Protection Act (Pub.Res.Code §§ 5097 et seq.) addresses the disposition of Native American burials in archaeological sites; protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resources Protection Act makes it a misdemeanor, punishable by up to 1 year in jail, to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for identification and repatriation of these items to the appropriate tribes (Health And Safety Code §§ 8010–8011).

California Environmental Quality Act

The following CEQA statutes and CEQA Guidelines are relevant to the analysis of archaeological and historic resources:

- California Public Resources Code Section 21083.2(g) defines “unique archaeological resource.”
- California Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a) define historical resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource.” It also defines the circumstances when a project would materially impair the significance of a historical resource.
- California Public Resources Code Section 21074(a) defines “tribal cultural resources,” and Section 21074(b) defines a “cultural landscape.” Note, however, that Public Resources Code Section 21074 did not take effect until July 1, 2015, approximately 4 months after the County issued the NOP for the proposed project (February 12, 2015). Therefore, Section 21074 does not apply to the proposed project.
- California Public Resources Code Sections 21080.3.1 and 21080.3.2 require the lead agency to consult with California native Indian tribes regarding the proposed project and its potential impacts on cultural resources. Note, however, that Public Resources Code Sections 21080.3.1 and 21080.3.2 did not take effect until July 1, 2015, approximately 4 months after the County issued the NOP for the proposed project (February 12, 2015). Therefore, Section 21080.3.1 and 21080.3.2 do not apply to the proposed project.
- California Public Resources Code Section 21082.3 provides a process for identifying project-related impacts on tribal cultural resources. Note, however, that Public Resources Code Section 21082.3 did not take effect until July 1, 2015, approximately 4 months after the County issued the NOP for the proposed project (February 12, 2015). Therefore, Section 21082.3 does not apply to the proposed project.

- California Public Resources Code Section 21084.3 describes the process for developing mitigation measures for impacts on cultural resources. Note, however, that Public Resources Code Section 21084.3 did not take effect until July 1, 2015, approximately 4 months after the County issued the NOP for the proposed project (February 12, 2015). Therefore, Section 21084.3 does not apply to the proposed project.
- California Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated cemetery.
- California Public Resources Code Sections 21083.2(b)–(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures. They identify preservation-in-place as the preferred manner of mitigating impacts to significant archaeological sites.

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (Pub.Res.Code § 21084.1; CEQA Guidelines Section 15064.5(b)). A “historical resource” is any site listed or eligible for listing in the CRHR. The CRHR listing criteria are intended to examine whether the resource in question (a) is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (b) is associated with the lives of persons important in our past; (c) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; and/or (d) has yielded, or may be likely to yield, information important in pre-history or history. For example, in this EIR, the County is treating the *Pavxin* TCP as an historical resource.

The term “historical resource” also includes any site described in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of Public Resources Code Section 5024.1(q)).

CEQA also applies to “unique archaeological resources.” Public Resources Section 21083.2(g) defines a “unique archaeological resource” as any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

All historical resources and unique archaeological resources, as defined by statute, are presumed to be historically or culturally significant for the purposes of CEQA (Pub.Res.Code § 21084.1; CEQA Guidelines § 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (Pub.Res.Code § 21084.1; CEQA Guidelines § 15064.5(a)). A site or resource that does not meet the definition of a “historical resource” or “unique archaeological resource” is not considered significant under CEQA and need not be analyzed further (Pub.Res.Code § 21083.2(a); CEQA Guidelines § 15064.5(c)(4)).

Under CEQA, a significant cultural impact results from a “substantial adverse change in the significance of an historical resource,” including a unique archaeological resource, due to the “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” (CEQA Guidelines § 15064.5(b)(1); Pub.Res.Code § 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project (CEQA Guidelines § 15064.5(b)(2)):

1. 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 California Register; or
2. 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
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

Pursuant to these sections, CEQA first evaluates evaluating whether a project site contains any “historical resources,” then assesses whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource’s historical significance is materially impaired.

When a project significantly affects a unique archeological resource, CEQA imposes special mitigation requirements. Specifically, “[i]f it can be demonstrated that a project will cause

damage to a unique archeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state” (Pub.Res.Code § 21083.2(b)(1)–(4)). Examples of that treatment include the following (Pub.Res.Code § 21083.2(b)(1)–(4)):

1. Planning construction to avoid archeological sites.
2. Deeding archeological sites into permanent conservation easements.
3. Capping or covering archeological sites with a layer of soil before building on the sites.
4. Planning parks, greenspace, or other open space to incorporate archeological sites.

If these “preservation in place” options are not feasible, mitigation may be accomplished through data recovery (Pub.Res.Code § 21083.2(d); CEQA Guidelines § 15126.4(b)(3)(C)). Public Resources Code Section 21083.2(d) states that “[e]xcavation as mitigation shall be restricted to those parts of the unique archeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.”

These same requirements are set forth in slightly greater detail in CEQA Guidelines Section 15126.4(b)(3), as follows:

- A. Preservation in place is the preferred manner of mitigating impacts to archeological sites. Preservation in place maintains the relationship between artifacts and the archeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
- B. Preservation in place may be accomplished by, but is not limited to, the following:
 1. Planning construction to avoid archeological sites;
 2. Incorporation of sites within parks, greenspace, or other open space;
 3. Covering the archeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site[; and]
 4. Deeding the site into a permanent conservation easement.
- C. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.

Note that, when conducting data recovery, “[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation” (CEQA Guidelines § 15126.4(b)(3)). However, “[d]ata recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archeological or historic resource, provided that determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center” (CEQA Guidelines § 15126.4(b)(3)(D)).

In 2014, CEQA was amended to apply to “tribal culture resources” as well. Specifically, Public Resources Section 21074 provides guidance for defining tribal cultural resources as either of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources. (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

Public Resources Code Section 21080.3.1 requires the lead agency to consult with California native Indian tribes regarding the proposed project and its potential impacts on tribal cultural resources. Public Resources Code Section 21082.3 provides a process for identifying such impacts, and PRC Section 21084.3 describes the process for developing mitigation measures for those impacts. However, these recently-adopted CEQA provision did not take effect until July 1, 2015, approximately 4 months after the County issued the NOP for the proposed project. Consequently, these sections do not apply to the proposed project.

Finally, CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are set forth in Public Resources Code Section 5097.98.

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the County coroner has examined the remains (Health and Safety Code § 7050.5b). If the coroner determines or has reason to believe that the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Health and Safety Code Section 7050.5c). The NAHC then notifies the MLD, and, with the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Local Regulations

County of San Diego Local Register of Historic Resources

The criteria for listing historical resources to the County of San Diego Local Register of Historic Resources (Ordinance No. 9493) are consistent with those developed by the Office of Historic Preservation for listing resources in the CRHR, but have been modified for local use to include a range of historical resources that specifically reflect the history and prehistory of San Diego County. Only resources that meet the criteria set out below may be listed or formally determined eligible for listing in the County's Local Register of Historic Resources (Ordinance No. 9493):

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

County of San Diego General Plan Conservation and Open Space Element

The following goals and policies identified in the County of San Diego General Plan Conservation and Open Space Element are applicable to the proposed project (County of San Diego 2011):

- **Goal COS-7: Protection and Preservation of Archaeological Resources.** Protection and preservation of the County's important archaeological resources for their cultural importance to local communities, as well as their research and educational potential.
 - **Policy COS-7.1: Archaeological Protection.** Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.
 - **Policy COS-7.2: Open Space Easements.** Require development to avoid archaeological resources whenever possible. If complete avoidance is not possible, require development to fully mitigate impacts to archaeological resources.
 - **Policy COS-7.3: Archaeological Collections.** Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.
 - **Policy COS-7.4: Consultation with Affected Communities.** Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.
 - **Policy COS-7.5: Treatment of Human Remains.** Require human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains will be done in consultation with the most likely descendant (MLD) and under the requirements of federal, state, and County Regulations.
 - **Policy COS-7.6: Cultural Resource Data Management.** Coordinate with public agencies, tribes, and institutions in order to build and maintain a central database that includes a notation whether collections from each site are being curated, and if so, where, along with the nature and location of cultural resources throughout the County of San Diego.

County of San Diego Resource Protection Ordinance

The RPO requires that cultural resources be evaluated as part of the County's discretionary environmental review process for certain permit types. If cultural resources are found to be significant pursuant to the RPO, they must be preserved. The RPO prohibits development, trenching, grading, clearing and grubbing, or any other activity or use that damages significant prehistoric or historic site lands, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Register of Professional Archaeologists (County of San Diego 2007a).

Pursuant to the RPO, significant prehistoric or historic sites are sites that 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. Such locations include the following (County of San Diego 2007a):

- 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 by the Keeper of the National Register; or
 - b. To which the Historic Resource (H designator) Special Area Regulations have been applied; or
- One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and
- Any location of past or current sacred religious or ceremonial observances which is either:
 - a. Protected under Public Law 95-341, the American Indian Religious Freedom Act or PRC 5097.9, such as burial(s), 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.

County of San Diego Grading Ordinance

The County of San Diego Grading Ordinance requires that projects involving grading, clearing, and/or removal of natural vegetation obtain a grading permit, unless the project meets one or more of the exemptions listed in Section 87.202 of the Grading Ordinance (County of San Diego 2012). The grading permit is discretionary and requires compliance with CEQA. In the event that human remains or Native American artifacts are encountered, Section 87.429 requires that grading operations be suspended in the affected area, and the operator is required to inform the County official. The County's Grading Ordinance requires the project to comply with the requirements of Health and Safety Code Section 7050.5 and Public Resources Section 5097.99 (County of San Diego 2012).

Native American Heritage Values

Also relevant to prehistoric archaeological sites is the category termed "traditional cultural property" (TCP) in discussions of cultural resource management performed under federal auspices. According to Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King 1998), "traditional" in this context refers to those beliefs, customs,

and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include the following (Parker and King 1998):

- A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

A TCP can be defined, generally, as one that is eligible for inclusion in the NRHP because of 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. Under County guidelines, TCPs may also be protected under the County's RPO (County of San Diego 2007a). For purposes of this Project, the *Pavxin* cultural area encompassing the three significant archaeological sites adjacent to and within the Deer Springs Road right-of-way is considered a TCP, even though the sites and the roadbed are exempt from the County RPO.

2.5.3 Analysis of Project Effects and Determination as to Significance

2.5.3.1 Historical Resources and Archeological Resources

Thresholds of Significance

The significance criteria listed below are derived from Appendix G of the CEQA Guidelines, and CEQA Guidelines Section 15064.5. The criteria were used to determine the significance of project impacts on historical resources and unique archaeological resources. The criteria include whether project impacts would disturb any human remains, including those interred outside of formal cemeteries (e.g., at historic homesteads, as part of an archaeological site).

Impacts would be considered significant if the recorded archaeological resource has been determined to be significant as either a “historical resource” or a “unique archaeological resource” as defined under CEQA. An archaeological artifact, object, or site that does not meet the above criteria is a non-unique archaeological resource (PRC Section 21083.2(h)). An impact on a non-unique resource is not a significant environmental impact under CEQA (CEQA Guidelines § 15064.5(c)(4)).

In general, if the resource has been destroyed or determined not to be significant, impacts to that site likewise would not be significant or require mitigation.

Regarding human remains, implementation of the proposed project would have a significant adverse impact if it would disturb any human remains, including those interred outside of formal cemeteries. CEQA Guidelines Sections 15064.5(d) and (e) assign special importance to human remains, and specify procedures to be used when Native American remains are discovered. These procedures are detailed further in Public Resources Code Section 5097.98 and California Health and Safety Code Section 7050.5.

Guidelines for the Determination of Significance

For the purposes of this EIR, any of the following will be considered a significant impact to cultural resources (see list below for reference information):

1. The project, as designed, causes a substantial adverse change in the significance of a historical resource, including any identified TCP, as defined in CEQA Guidelines Section 15064.5. This includes the destruction, disturbance, or alteration of characteristics or elements of a resource that causes it to be significant in a manner not consistent with the Secretary of the Interior’s standards (NPS 2016).
2. The project, as designed, causes a substantial adverse change in the significance of a unique archaeological resource, as defined in Public Resources Code Section 21083.2(g) and CEQA Guidelines Section 15064.5(c)(3). Such impacts 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. It also includes disturbance to any human remains, including those interred outside of formal cemeteries.
3. The project involves activities or uses damaging to significant cultural resources as defined by the County’s RPO and fails to preserve those resources.

The significance guidelines listed above were compiled from the following sources and for the following reasons:

- Guidelines 1 and 2 were derived directly from CEQA and from the County of San Diego Guidelines for Determining Significance for Cultural Resources (County of San Diego 2007b). Public Resources Code Section 21083.2 and Section 15064.5 of the CEQA Guidelines require that cultural resources on a project site be evaluated for significance. If any resources qualify as significant, CEQA then requires that the project be assessed for its potential to significantly impact those resources. Any significant impact identified through this evaluative process would then have to be mitigated, unless mitigation is infeasible. Additionally, CEQA Guidelines Sections 15064.5(d) and (e) assign special importance to human remains, and specify procedures to be used when Native American remains are discovered.
- Guideline 3 was selected because cultural resources are protected under the County's RPO. The County's RPO does not allow non-exempt activities or uses that are damaging to significant prehistoric lands on properties under County jurisdiction. The only exempt activity is scientific investigation (County of San Diego 2007a). The project is required to be in conformance with applicable County standards related to cultural resources, including the noted RPO criteria for prehistoric sites. Non-compliance would result in a project that is inconsistent with County standards.

Cultural Resources Considered Eligible for Listing in the CRHR and Significant Under CEQA

The only potentially significant historic structure within the project's APE is the remains of the 1901 homestead, if identified as such through additional work. However, as discussed below, efforts to re-locate the homestead based on surface survey proved unsuccessful, and, thus, it is not possible to predetermine if the project would come into contact with resources at this site.

The project's APE does contain three sites that qualify as "unique archaeological resources" and have been recommended as eligible for listing in the CRHR: CA-SDI-4558, CA-SDI--5951, and CA-SDI-9822. As such, these sites are considered significant under CEQA.

Two of the sites—CA-SDI-5951 and CA-SDI-9822—contain rich archaeological deposits dating primarily to the Late Prehistoric period (post-AD 500) and include large amounts of glass, shell, and stone beads; projectile points; ceramic sherds; pipe fragments; and other relatively rare aboriginal artifacts encapsulated in dense midden soils. Together, artifacts from both sites can help address research questions focusing on aboriginal socioeconomics just prior to and after Euro-American contact, because many non-aboriginal artifacts were found at these sites, such as glass trade beads. The density and diversity of artifacts at CA-SDI-5951 and CA-SDI-9822 are

rare in San Diego County, which qualifies the sites as “unique archaeological resources” under CEQA. The rock art at CA-SDI-9822 underscores this site’s uniqueness as well. Under CEQA, a historical resource that is also considered a “unique archaeological resource” qualifies for more robust mitigation requirements.

The third site (CA-SDI-4558) is one of the best known examples of a Pauma Complex site (Archaic period; pre AD 500), with only minor amounts of Late Prehistoric artifacts. The Pauma Complex is considered an inland San Diego County manifestation of the Millingstone Pattern that appears in present-day California from the beginning of the Holocene 10,000 years ago and persisting until approximately 1,500 years ago. Single-component Pauma Complex archaeological deposits are rare. For these reasons, CA-SDI-4558 is considered eligible for CRHR listing, and is also considered a “unique archaeological resource” under CEQA.

In addition, as explained above, the Luiseño consider these three sites – CA-SDI-5951, CA-SDI-9822, and CA-SDI-4558 – part of a significant cultural and spiritual area known as *Pavxin*. Based on consultation with the affected Tribes and the applicant, the County is treating the three sites, as well as the roadbed that connects them (Deer Spring Road), as an integrated TCP. The dimensions of the TCP impact area are set forth in the Tribal Treatment Plan.

Impact Analysis (Guideline 1: Historic Resources)

The 1901 historic structure/location was not re-located, and the structure appears to have been destroyed. However, because subsurface features may be present that can provide information on early homesteading in north San Diego County, and because project-related construction activities may encounter the 1901 historic structure/location, development of the proposed project may result in **potentially significant impacts** to a historic resource (**Impact CR-1**).

Impact Analysis (Guidelines 2 and 3: Archaeological and Tribal Cultural Resources)

As presently planned, the project would directly or indirectly affect eight archaeological sites and two isolates: sites CA-SDI-4370, CA-SDI-4371, CA-SDI-4558, CA-SDI-5639, CA-SDI-5640, CA-SDI-5951, CA-SDI-9822, and CA-SDI-17264, and isolates SDM-W- 3880C and P-37-025968. Three other sites, CA-SDI-9253, CA-SDI-10747H, and CA-SDI-17265, would be avoided through incorporation into open space. After evaluating the sites that would be impacted, only three sites were determined to be eligible for listing in the CRHR, and thus qualify as significant under CEQA or the County RPO: CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822. These same sites also qualify as tribal cultural resources, and are significant for that reason as well. In addition, these sites, along with the roadbed material beneath Deer Spring Road which connects them, form an integrated TCP and are significant for that reason as well. The dimensions of the TCP impact area are shown in the confidential Tribal Treatment Plan.

Sites Located on the Project Site Deemed Significant

CA-SDI-4558

Site CA-SDI-4558 is located within the area identified for the proposed widening of Deer Springs Road. However, only certain portions of the site contribute to its CRHR and CEQA significance, and the project proposes to preserve and protect these portions within a natural park. There is still the possibility to inadvertently disturb significant archaeological deposits within the Deer Springs Road improvement area; impacts to these deposits would be considered significant absent mitigation. The natural park, including public trails, has been designed to avoid the significant portions of the site. During past archeological excavations, a wide range of artifacts were recovered, including cobble and flake tools, bifaces, milling tools, bone tools, a crystal, ceramics, shell, and bone that primarily dated to the Archaic period (i.e., pre AD 500). As described in Section 2.5.1.4, CA-SDI-4558 contains or has the potential to contain information important to prehistory. CA-SDI-4558 is identified as significant under CEQA and RPO criteria. The RPO protections do not apply to this site because the County has identified the proposed Deer Springs Road improvements as an essential public facility that includes public use (County of San Diego 2007a). However, even if the RPO did apply, no significant impact has been identified because the proposed road widening would not affect the significant portions of the site. Instead, the Deer Springs Road improvements would affect only that portion of site CA-SDI-4558 deemed not significant.

Consistent with the preservation-in-place provisions of CEQA Guidelines Section 15125.4(b)(3), the proposed project would avoid the significant archaeological deposits located at CA-SDI-4558 by incorporating the periphery of the significant deposits into a park or greenspace (preservation in place option 2) with a trail planned through the greenspace park. Incorporation of the periphery of the significant parts of the site into a greenspace park was selected as the preferred option because it achieves complete avoidance of significant deposits and helps the project fulfill its open space allocation and public access requirements. Extending the greenspace park over the significant site deposits (option 2), capping (option 3) and deeding the site into a conservation easement (option 4) are not feasible. The proposed mitigation would reduce the Project's impacts on the site to a less than significant level. The proposed mitigation also represents a feasible means of preserving the integrity of the site's role within the *Pavxin* TCP. In addition, pursuant to the Tribal Treatment Plan, cultural material from the site may be removed and reburied at the agreed-upon repatriation/reinternment area within the Project site.

Improvements to Deer Springs Road may result in the inadvertent damage to significant archaeological deposits not yet identified. These impacts would be **potentially significant direct impacts absent mitigation (Impact CR-2)**.

CA-SDI-5951

Site CA-SDI-5951 is located at the south end of the proposed project Site within the area identified for the widening of Deer Springs Road. Significant archaeological deposits containing a diverse range of artifacts, including glass, shell, and stone beads; ceramics (sherds and pipe fragments); multiple forms of stone tools; and food remains (faunal bone and marine shell), were identified in two locations within the transportation corridor impact area. Multiple bedrock milling features and less-dense archaeological deposits are located outside of the impact area to the north. The significant archaeological deposits located within the impact area contribute to the site's CRHR eligibility, and qualify it as a historical resource and a "unique archaeological resource" under CEQA, and it is considered significant under the RPO. However, because the County has identified Deer Springs Road off-site improvement as an essential public facility that includes public use, the RPO does not apply for this type of impact.

Consistent with the preservation-in-place provisions of CEQA Guidelines Section 15125.4(b)(3), the project can feasibly avoid portions of the significant portions of CA-SDI-5951 (option 1). Such avoidance would be accomplished by constructing a retaining wall along the north side of Deer Springs Road to reduce the amount of archaeological deposits that are disturbed. General avoidance is preferable over incorporation into greenspace or capping because it preserves the avoided areas of the archaeological site in its native state. The use of a conservation easement would put restrictions on the area that are not compatible with future visitation by local Native American tribal members.

The remaining significant portions of CA-SDI-5951, however, cannot be feasibly preserved in place by any of the four methods described in CEQA Guidelines Section 15126.4(b)(3), because the at-grade alignment and expansion of Deer Springs Road would intersect those parts of the site and potentially disturb significant archaeological deposits located there. Consequently, impacts to such resources would be mitigated to a less-than-significant level through data recovery, as permitted under CEQA Guidelines Section 15126.4(b)(3)(C). Note also that improvements to Deer Springs Road are considered exempt under the RPO, and are included in the County's 2011 General Plan Update. The General Plan Update includes provisions for expanding Deer Springs Road to six lanes (County of San Diego 2011); however, the current project circulation element lessens impacts with a four-lane expansion of Deer Springs Road. In this way, impacts to CA-SDI-5951 would be reduced to the extent feasible.

For purposes of CEQA, the direct impacts to those portions of site CA-SDI-5951 within and north of Deer Springs Road would be **potentially significant** absent mitigation (**Impact CR-3**). The proposed mitigation would reduce the Project's impacts on the site to a less than significant level. The proposed mitigation also represents a feasible means of preserving the integrity of the site's role within the *Pavxin* TCP. In addition, pursuant to the Tribal Treatment Plan, cultural

material from the site may be removed and reburied at the agreed-upon repatriation/reinternment area within the Project site.

CA-SDI-9822

Site CA-SDI-9822 is located within the area identified for the widening of Deer Springs Road. As described above, five STPs were excavated at CA-SDI-9822 as part of the investigation for this project. Three STPs were positive and two STPs were negative. The positive STP results represent a significant intact subsurface deposit, adjacent to and south of Deer Springs Road. In addition, Palomar College preformed academic-oriented excavations at the site some years ago, generating a collection that includes tens of thousands of artifacts, including glass, shell, and stone beads; bone artifacts; ceramic artifacts (including pipe fragments); myriad stone tools; and large amounts of food remains (i.e., animal bone, marine shell). Numerous burned artifacts and possible cremated human remains are also contained in the collection generated by Palomar College. On the basis of previous and current work, and the presence of a pictograph feature and cremations, site CA-SDI-9822 is identified as significant under CEQA and RPO criteria, and it qualifies as a historical resource and a “unique archaeological resource” under CEQA. As the County has identified Deer Springs Road off-site improvements as an essential public facility that includes public use, the RPO does not apply for this type of impact.

Pursuant to CEQA Guidelines Section 15126.4(b)(3), the project can feasibly avoid the significant portions of CA-SDI-9822 (preservation in place option 1). This can be accomplished by constructing a retaining wall along the north side of Deer Springs Road to reduce the amount of archaeological deposits that are disturbed. General avoidance is preferable over incorporation into greenspace (option 2) or capping (option 3), because it preserves the avoided areas of the archaeological site in its native state. The use of a conservation easement (option 4) would put restrictions on the area that are not compatible with future visitation by local Native American tribal members. The remaining significant portions of CA-SDI-9822 cannot be feasibly preserved in place by any of the four methods described in CEQA Guidelines Section 15126.4(b)(3), because the at-grade alignment and expansion of Deer Springs Road would intersect those parts of the site and potentially disturb significant archaeological deposits located there. Consequently, impacts to such resources would be mitigated to a less-than-significant level through data recovery, as permitted under CEQA Guidelines Section 15126.4(b)(3)(C). Note also that improvements to Deer Springs Road are exempt from the RPO, and are included in the County’s 2011 General Plan Update. The General Plan Update includes provisions for expanding Deer Springs Road to six lanes, but the current project circulation element would lessen impacts with a four-lane expansion of Deer Springs Road. In this way, impacts to CA-SDI-9822 have been reduced to the extent feasible.

For the purposes of CEQA, direct impacts to those portions of site CA-SDI-9822 south of, within, and north of Deer Springs Road would be **potentially significant** absent mitigation (**Impact CR-4**).

The remaining portion of CA-SDI-9822 would be preserved in place, as it would be located within open space. Construction-related dust may affect the pictograph at the site. This would be a temporary but **potentially significant** indirect impact absent mitigation (**Impact CR-5**).

Archaeological materials were collected during the Palomar College excavations in the 1980s from the area of CA-SDI-9822 that would be largely avoided through the use of a retaining wall. These archaeological materials have not been properly cataloged or analyzed, creating a **potentially significant impact** to the scientific value of the site absent mitigation (**Impact CR-6**).

As shown below, the proposed mitigation would reduce the Project's impacts on the site to a less than significant level. The proposed mitigation also represents a feasible means of preserving the integrity of the site's role within the *Pavxin* TCP. In addition, pursuant to the Tribal Treatment Plan, cultural material from the site may be removed and reburied at the agreed-upon repatriation/reinternment area within the Project site.

Impacts to Off-Site Deposits within the TCP

Roadbed Materials

Deer Springs Road was constructed prior to the implementation of local, state, and federal regulations regarding the treatment of cultural resources. Given the density of archaeological materials at sites CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822, and given that archaeological materials are visible in deep road cut exposures along Deer Springs Road, it is possible that archaeological deposits deriving from these sites and associated with the broader *Pavxin* TCP are embedded in the subsurface roadbed. Widening Deer Springs Road, as contemplated by the County General Plan and this Project, would disturb any such deposits. This would result in a **potentially significant impact** to the cultural values of the *Pavxin* TCP absent mitigation (**Impact CR-7**).

Unexpected Encounters with Cultural Resources

Given the overall cultural sensitivity of the project Site and vicinity, construction-related impacts to currently-unknown/unrecorded archaeological deposits are possible. In addition, although the boundaries for sites CA-SDI-5951, CA-SDI-9822, and CA-SDI-4558 have been delineated based on extensive archaeological and cultural investigations, it is possible that archaeological deposits connected to or associated with CA-SDI-5951, CA-SDI-9822, and/or CA-SDI-4558 exist outside the currently-delineated boundary of those sites. Construction-related activities could adversely

affect these resources. Such unexpected encounters with cultural resources would be considered **potentially significant impacts** absent mitigation (**Impact CR-8**). Increased Accessibility to Cultural Resources through Public Awareness

The portions of sites CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822 that would be avoided (placed within open space) may result in increased public access, possibly resulting in impacts from pot-hunters and looters. These would be **potentially significant indirect impacts** absent mitigation (**Impact CR-9**).

The I-15 interchange improvements, which constitutes an off-site mitigation measure for the project, are not expected to cause significant impacts to cultural resources. Micah Hale (Dudek) and P.J. Stoneburner (San Luis Rey) completed a survey of the I-15 interchange improvements on Monday, May 22, 2017. No cultural resources were identified during the survey. The survey area was found to be completely modified with engineered slopes and imported materials visible on the surface. Mr. Stoneburner recommended that, prior to construction, the as-built plans for the original interchange be examined to determine whether there is a possibility for buried archaeological deposits. If significant cultural resources are discovered during construction, all earth-moving activity within and around the immediate discovery area can and should be diverted until a qualified archeologist, can assess the nature and significance of the find in cooperation with other stakeholders (as needed).

Sites Located on the Project Site Deemed Not Significant

CA-SDI-4370

Site CA-SDI-4370 is located within the proposed development impact area. No further work is recommended for this site, as this isolate bedrock milling feature has been destroyed by previous grading for ranching and housing development.

CA-SDI-4371

Site CA-SDI-4371 is an isolate milling station composed of one milling slick, and is recorded at the south end of the proposed project Site. Prior survey records indicate that CA-SDI-4371 exists primarily outside of the project Site; however, the milling feature was not re-located and, therefore, may be within the project Site. It is more likely, however, that the feature has been destroyed by road construction, or is located adjacent to, but outside of, the project Site.

CA-SDI-5639

Although site CA-SDI-5639 is located within the proposed development impact area, its two bedrock milling features have been destroyed by previous development. Thus, no further work is recommended for this site.

CA-SDI-5640

Although site CA-SDI-5640 is located within the proposed development impact area, this isolate bedrock milling feature has been destroyed by previous development. Thus, no further work is recommended for this site.

CA-SDI-9253

Site CA-SDI-9253 is located within the open space easement within the project Site, and would not be affected. Site CA-SDI-9253 is identified as not significant, and no further work is recommended.

CA-SDI-10747H

Site CA-SDI-10747H is located within the open space easement within the project Site, and would not be impacted. Site CA-SDI-10747H is identified as not significant, and no further work is recommended.

CA-SDI-17264

Site CA-SDI-17264 is located within the proposed development impact area for the project, but does not qualify as significant. Thus, no further work is recommended.

CA-SDI-17265

Site CA-SDI-17265 is located within the open space easement within the project Site and would not be affected. This site is identified as not significant, and no further work is recommended.

P-37-025968

Although located within the proposed development impact area for the project, isolate P-37-025968 does not constitute a site by California definition, and, therefore, is not significant. No further work is recommended.

SDM-W-3880C

Although located within the proposed development impact area, isolate SDM-W-3880C does not constitute a site by California definition, and, therefore, is not significant. No further work is recommended.

2.5.3.2 Human Remains

Guidelines for the Determination of Significance

For the purposes of this EIR, an impact is considered significant if it disturbs any human remains, including those interred outside of formal cemeteries.

Under County of San Diego Guidelines for Determining Significance for Cultural Resources (County of San Diego 2007b), Guideline 1, human remains must be treated with dignity and respect. State law, including CEQA, requires consultation with the MLD as identified by the NAHC for any project for which human remains have been identified. In addition, Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5 also protect human remains from disturbance.

Analysis

During ground disturbing work, there is potential for the discovery of additional human remains (**Impact CR-10**). In the event that human remains are discovered during ground-disturbing activities, the project must comply with CEQA Section 15064.5 and Public Resources Code Section 5097.98. Under these statutes, if human remains are encountered, work in the area of the find must halt until the Coroner has made the necessary findings as to origin. If determined to be Native American, consultation with the MLD would be required. The MLD may make recommendations and engage in consultations concerning the treatment of the remains. Therefore, the project would be in compliance with PRC Section 5097.98 and CEQA Section 15064.5.

The I-15 interchange improvements, which constitutes an off-site mitigation measure for the project, will not cause significant impacts to cultural resources. Micah Hale (Dudek) and P.J. Stoneburner (San Luis Rey) completed a survey of the I-15 interchange improvements on Monday, May 22, 2017. No cultural resources were identified during the survey. The survey area was found to be completely modified with engineered slopes and imported materials visible on the surface. Mr. Stoneburner recommended that, prior to construction, the as-built plans for the original interchange be examined to determine whether there is a possibility for buried archaeological deposits. If human remains are discovered, Caltrans can and should require the procedures described in state law are followed and implemented.

2.5.3.3 Consistency with Applicable Plans, Policies, and Ordinances

The project would be consistent with Goal COS-7 and Policies COS-7.1 through COS-7.3, COS-7.5, and COS-7.6 of the County of San Diego General Plan. The proposed project would protect and preserve the County's important archaeological resources from loss or destruction, and require development of appropriate mitigation to protect the quality and integrity of these resources. The project's Cultural Resources Technical Report (Appendix I) was prepared in accordance with the County's CEQA Guidelines for Determining Significance, Cultural Resources: Archeological and Historical Resources. The report assesses the presence of cultural and archaeological resources within the project Site, their significance (including from the perspective of Native American tribes), and means of mitigation, if necessary. In addition, the applicant discussed the proposed project's design and development impacts with local Native Americans identified by the NAHC (see below). Project mitigation would include avoidance, preservation in place, collection, recordation, curation, and monitoring. Specifically, as analyzed in the Cultural Resources Technical Report, the project would preserve a large portion of the Site that includes significant cultural resources (Appendix I).

Potential impacts to cultural resources would be minimized and/or mitigated in accordance with the project's cultural resources mitigation requirements. The proposed project's impacts to significant cultural resources would be reduced to less than significant through avoidance and mitigation measures that include the placement of significant sites within an avoidance area (open space), curation of all artifacts obtained during the testing and data recovery programs, and grading monitoring that would include avoidance and data recovery of new discoveries. Refer to the analysis presented throughout this section for additional details.

The County contacted the NAHC to request information and/or input regarding Native American concerns associated with the proposed project, and requested the names of individuals in the area who may have information regarding cultural resources at the Site. Letters were sent to the individuals identified by the NAHC, along with a request for any other individuals who may possess information concerning cultural resources within the project Site (Appendix I). Extensive government-to-government consultation has occurred and the County has incorporated the terms of assessment and treatment of tribal cultural resources as requested by the consulting tribes. Therefore, the project would be consistent with Policy COS-7.4 of the County of San Diego General Plan. In addition, the County and the applicant engaged in extensive consultation with the local tribes listed above, resulting in an agreed-upon Tribal Treatment Plan design, the precise details of which will be developed when and if the Project is approved.

2.5.4 Cumulative Impact Analysis

The cumulative study area for impacts to cultural resources consists of northeastern San Diego County. Cumulative projects are shown in Figure 1-46, Cumulative Projects Map, and listed in Table 1-10 of Chapter 1 of this EIR. Related projects within this geographic extent are capable of collectively contributing, along with the proposed project, to impacts on historic and prehistoric resources. Past, present, and reasonably foreseeable cumulative projects, such as Warner Ranch, Lilac Hills Ranch, Campus Park, Campus Park West, State Route 76 Caltrans projects, Valiano, Cummings Ranch, and Harmony Grove Village, may require extensive excavation in culturally sensitive areas, and, thus, may result in adverse effects to known or previously unknown, inadvertently discovered cultural resources.

At this time it is not feasible for the County to determine whether and to what extent these projects would result in impacts to significant cultural resources, or whether such impacts can be mitigated to less than significant. However, as discussed in this analysis, the proposed project has the potential to disturb the following significant cultural resources: sites CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822, as well as the TCP of which all three sites are a part. Absent mitigation, the project's impacts on these three sites would constitute a cumulatively considerable contribution to a significant cumulative effect. As to each of the affected sites, however, this EIR recommends mitigation measures to reduce the identified significant impact to a less-than-significant level. As a result, the proposed project, after mitigation, would no longer make a cumulatively considerable contribution to a significant cumulative impact. Additionally, should new resources be discovered during development within the cumulative impact area, site-specific measures to evaluate potential impacts and develop appropriate mitigation measures, if needed, would likely occur. Therefore, the proposed project would not cumulatively contribute to a significant impact, and the impact would be **less than significant**.

2.5.5 Significance of Impacts Prior to Mitigation

Impact CR-1: Project-related construction activities may encounter the 1901 historic structure/location, and development of the proposed project may result in potentially significant impacts to a historic resource.

Impact CR-2: Improvements to Deer Springs Road may result in direct impacts to unanticipated significant archaeological deposits from CA-SDI-4558 located beneath the surface along the current road shoulders.

Impact CR-3: Improvements to Deer Springs Road would result in direct impacts to those portions of site CA-SDI-5951 within and north of Deer Springs Road.

- Impact CR-4:** Improvements to Deer Springs Road would result in direct impacts to those portions of site CA-SDI-9822 south of, within, and north of Deer Springs Road.
- Impact CR-5:** Construction-related dust may temporarily affect the pictograph at site CA-SDI-9822.
- Impact CR-6:** Archaeological materials were collected during the Palomar College excavations during the 1980s from the area of CA-SDI-9822 that would be largely avoided for the proposed project through the use of a retaining wall. These archaeological materials have not been properly cataloged or analyzed, causing a significant impact to the scientific value of the site.
- Impact CR-7:** Improvements to Deer Springs Road would result in direct impacts to roadbed soils that connect sites CA-SDI-4558, -5951, and -9822 in an integrated traditional cultural property (TCP).
- Impact CR-8:** Construction-related impacts to unanticipated, unknown, or unrecorded cultural resources, including archaeological deposits are possible.
- Impact CR-9:** The portions of sites CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822 that would be avoided may result in increased accessibility, possibly resulting in impacts from pot-hunters and looters.
- Impact CR-10:** During excavation, there is potential to discover human remains.

2.5.6 Mitigation Measures

The following mitigation measures would be applied and/or agreed to prior to the approval of any plan and issuance of any permit, and prior to occupancy or use of the premises in reliance of any permit.

The mitigation framework provided below is consistent with CEQA Guidelines Section 15126.4(b), 15364, and 15370. Pursuant to Section 15126.4(b)(3)(A), and as provided for below, preservation-in-place is the preferred manner of mitigating impacts to significant or unique archaeological resources. However, Section 15126.4(b)(3)(C) also recognizes that, under certain circumstances, preservation-in-place is not feasible, in which case data recovery through excavation is an acceptable mitigation option. In addition, lead agencies may determine that some other form of mitigation is appropriate given the nature of the resource in question and the infeasibility of preserving it in place. For example, the cultural resources that constitute the *Pavxin* TCP cannot feasibly be preserved in place, as large portions of the TCP are located within the roadbed of Deer Springs Road, which would be improved and widened as part of

implementation of the proposed project. None of the four preservation-in-place techniques listed in Section 15126.4(b)(3)(B) – avoidance, incorporation into greenspace, capping with sterile soil, or deeding the site into a conservation easement – provides a feasible mitigation option for impacts to the TCP. Much of the roadbed soils from the TCP cannot be subjected to data recovery because to do so would be infeasible and/or culturally inappropriate. Moreover, the consulting Tribes have indicated they would prefer that such soils, including the cultural materials that may be interred within them, be reburied at an agreed-upon location within the Project site. Accordingly, through consultation with the affected Tribes, the County and the applicant have elected to mitigate the Project’s TCP impacts through a Tribal Treatment Plan which would require, among other things, that the applicant, in consultation with the Tribes, reburies all affected TCP resources within an identified and mutually-agreed upon reinternment area on the Project site. No ground-disturbing activities, including underground trenching, would be permitted at the reinternment area. (See **M-CR-8 through M-CR-10**).

M-CR-1 Pre-Grade and Data Recovery for Historic 1901 Structure Location Features (Impact CR-1). In order to mitigate for potential impacts to the 1901 Historic Structured/ Location that is a significant cultural resources pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA) but is not determined to be significant pursuant to Section 86.602.o of the Resource Protection Ordinance (RPO), a pre-grade data recovery program shall be implemented. The Pre-Grade and Data Recovery Program shall include pre-grade excavations to locate possible buried features and analyze features and materials recovered; a report of any findings shall be prepared. This plan shall also include a ground-penetrating radar survey and controlled backhoe excavation to assess the area for ground anomalies and subjectively explore other areas to determine the presence and/or absence of buried historic resources. If subsurface features and artifacts are identified, a data recovery program shall be conducted, to include excavation of 1- by 1-meter units, block excavations, feature excavations, and analysis of artifacts. Special studies may include glass, ceramic, metal, and faunal analyses.

M-CR-2 Open Space Easement for Sites CA-SDI-5951 and CA-SDI-9822 (Impacts CR-3 and CR-4). In order to protect sensitive Cultural Resources at CA-SDI-5951 and CA-SDI-9822, a Cultural Resource Open Space Easement shall be granted over the portions of these sites that are outside of the Deer Springs Road right-of-way. The open space easement prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; installation of wet or dry infrastructure, including irrigation systems; or

use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Placement and burial of the cultural site resources and soils that are excavated as part of the development per specifications that are executed in agreement with the Pechanga and San Luis Rey Tribes.
- b. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health, in a location and manner approved in writing by the Director of PDS.
- d. Access shall be provided for Luiseño tribes.

M-CR-3 Temporary Fencing (Impacts CR-2, CR-3, CR-4, CR-9 and CR-10). In order to mitigate for potential impacts to sites CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822 during construction, a temporary fencing plan shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and CEQA Section 15064.5. The temporary fencing shall include the following requirements:

- a. Provide evidence to the Director of Planning & Development Services that the following notes have been placed on the Grading and/or Improvement Plan:
 - (1) In the event that construction activities are to take place within 100 feet of archaeological site(s) CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822, the temporary fencing plan shall be implemented under the supervision of a County approved archaeologist that consists of the following:
 - a. The project archaeologist shall identify the site boundaries in consultation with the San Luis Rey Band and Pechanga Band.
 - b. The project archaeologist shall determine an adequate buffer for the protection of the site(s) in consultation with the County archaeologist, the San Luis Rey Band and the Pechanga Band. Upon approval of buffers, install fencing under the supervision of the project archaeologist and San Luis Rey and Pechanga Native American monitor.

- c. Submit to the Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed grading or clearing is within 100 feet of the archaeological site(s), CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822.
- d. Fencing may be removed after the conclusion of construction activities.

M-CR-4 Permanent Fencing (Impact CR-2, CR-3, CR-4, CR-9 and CR-10). In order to mitigate for the potential long-term, indirect impacts to sites CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822, permanent fencing shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and CEQA Section 15064.5. The permanent fencing type shall be determined during the development of the Treatment Plan Agreement and Preservation Plan, and in consultation with the San Luis Rey Band and Pechanga Band. The fence, if deemed appropriate by the County, the San Luis Rey Band and Pechanga Band shall be installed under the supervision of the County approved archaeologist and the San Luis Rey and Pechanga Native American Monitors prior to any occupancy or final grading release. Fencing may include a vegetation barrier.

M-CR-5 Data Recovery Program (Impacts CR-2, CR-3, CR-4, CR-6 and CR-10). In order to mitigate for potential impacts to significant cultural resources that cannot be feasibly avoided or preserved in place, pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA), which are not subject to Section 86.602.o of the Resource Protection Ordinance (RPO), a data recovery and index sampling plan shall be implemented. The Data Recovery and Index Sampling Plan shall comply with research design and performance standards provided in Appendix D of the cultural study, shall be agreed to by the San Luis Rey and Pechanga Tribes and shall include the following requirements:

- a. Phase I and Phase II data recovery including artifact analysis, column samples, soil samples, floatation, and analysis of features.
- b. Specialized studies may include pollen and phytolith analysis, lithic, groundstone, ceramic, shell, obsidian hydration and sourcing, groundstone use wear and residue, and radiocarbon dating.
- c. Re-analysis of the Palomar College collection.
- d. High-resolution, 3-dimensional scanning of a sample of artifacts.

- e. Reinternment of Native American cultural materials.
- f. Curation of historic materials (Non-Native American).
- g. Preparation of a final report.

The Data Recovery and Index Sampling Plan will be a part of the Treatment Plan Agreement and Preservation Plan developed in consultation with the San Luis Rey Band and Pechanga Band. Data recovery, sampling index and archaeological testing will not apply to TCP resources, tribal cultural resources and Native American human remains and burial goods.

M-CR-6 Dust Control Plan (Impact CR-5). In order to mitigate for potential impacts to the pictograph at site CA-SDI-9822, during any grading or ground-disturbing activities, dust control measures shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and CEQA Section 15064.5. The Dust Control Plan shall be prepared and implemented by the contractor in consultation with the project archaeologist and the San Luis Rey Band and Pechanga Band of Luiseño Indians. The Dust Control Plan shall include the following requirements:

- a. Prior to placing protective material to shield the pictograph, photo-document the condition of the existing pictograph.
- b. Place appropriate cloth or material to shield the pictograph and mitigate impacts from dust. The covering must be of a material that will not cause damage to the pictograph.
- c. Periodic inspections of the pictograph shall be conducted to evaluate the status of the protective covering and to determine whether maintenance of the covering or replacement is necessary.
- d. Upon conclusion of construction, the protective cover may be removed and the pictograph shall be photo-documented to determine the status of the resource.
- e. After construction has concluded, the Project Archaeologist shall prepare a final letter report that details how the dust control plan was implemented and the condition of the pictograph at the beginning and end phases of construction.

The Data Recovery and Index Sampling Plan will be a part of the Treatment Plan Agreement and Preservation Plan developed in consultation with the San Luis Rey Band and Pechanga Band.

M-CR-7 Archaeological Monitoring Program/Treatment of Human Remains (Impacts CR-7, CR-8, CR-10). In order to mitigate for potential impacts to undiscovered archaeological resources and human remains, including those that may be encountered in the TCP, an Archaeological 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). The Archaeological Monitoring Program shall be developed in consultation with the San Luis Rey Band and Pechanga Band and shall include the following requirements:

a. Pre-Construction

The Project Applicant shall contract with a County approved archaeologist to perform Archaeological Monitoring and a contract with a Luiseño Native American monitor to conduct Native American monitoring for the project.

The pre-construction meeting shall be attended by the Project Archaeologist, the Luiseño Native American monitor, and a representative from the San Luis Rey and Pechanga Bands.

b. Construction

1. Monitoring. Both the Project Archaeologist and Luiseño Native American monitor are to be onsite during all earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist and the Luiseño Native American monitor. The Project Archaeologist and the Luiseño Native American monitor shall evaluate fill soils, whether imported, exported or from an on-site borrow location, to ensure that they are negative for cultural resources.
2. Controlled Grading and Grubbing. All grubbing shall be controlled in areas of concern as determined by the Project Archaeologist and the Luiseño Native American monitor, and as reflected in the Treatment Agreement and Preservation Plan developed in consultation with the San Luis Rey Band and Pechanga Band, and shall be inspected by the Project Archaeologist and Luiseño Native American monitor prior to initiating grading for those areas. Grading shall be controlled within the area of CA-SDI-4558, CA-SDI-5951, and CA-SDI-9882 using a slope board or similar equipment to allow soil to be removed in increments of only a few inches at a time. Other areas which may require controlled grading shall be determined by the Project Archaeologist and the Luiseño Native American monitor, as reflected in the Treatment Agreement and

Preservation Plan developed in consultation with the San Luis Rey Band and Pechanga Band.

3. Milling Features. Milling features shall be relocated to onsite open space or landscaped areas prior to disturbance, if feasible, and as reflected in the Treatment Agreement and Preservation Plan developed in consultation with the San Luis Rey Band and Pechanga Band.
4. Deer Springs Road Right-of-Way. Soils from Deer Springs Road right-of-way, as indicated on the Deer Springs Road Right-of-Way exhibit located in the confidential appendix of the cultural study, shall be reinterred onsite in the designated location that was approved by the County of San Diego, the applicant, the San Luis Rey Band of Mission Indians, and the Pechanga Band of Luiseño Indians (the “reinternment area”). Prior to final reinternment, the soils shall be treated in accordance to the terms reflected in the Treatment Agreement and Preservation Plan developed in consultation with the San Luis Rey Band and Pechanga Band. Once the cultural materials are placed in the reinternment area, a cap shall be placed over the resources and hydroseeded with a native plant mix, developed in consultation with the San Luis Rey Band and Pechanga Band, to prevent erosion. Note that no subsurface ground disturbance activities or subsurface facilities will be permitted within the reinternment area, including utility trenches and irrigation systems (except for surface drip systems.)
5. Inadvertent Discoveries:
 - Both the Project Archaeologist and the Luiseño Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
 - The Project Archaeologist shall contact the County Archaeologist.
 - The Project Archaeologist in consultation with the County Archaeologist and the Luiseño Native American shall determine the significance of discovered resources.
 - If appropriate, construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
 - Isolates and non-significant deposits shall be minimally documented in the field and collected by the Project Archaeologist. Native American isolates shall be reinterred onsite and historic (Non-Native American) isolates shall be curated or culled.

- If cultural resources are determined to be significant by the Tribes, the County Archaeologist and/or the Project Archaeologist, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the San Luis Rey and Pechanga Tribes, and approved by the County Archaeologist. The preferred option is preservation (avoidance).
6. Human Remains Discovered Outside the Recorded Sites and the Deer Springs Road Right-of-Way.
- The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 - If the human remains are reasonably believed to be Native American, then the human remains are to remain *in situ* (“in place”), or in a secure location in close proximity to where they were found, and shall be examined in the field, in the presence of a Luiseño Native American monitor, by a forensic anthropologist or osteologist, if feasible. Any transportation of the remains shall be done in the presence of a Luiseño Native American monitor. 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 (NAHC), 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 in the event that human remains are discovered.
7. Fill Soils. The Project Archaeologist and Luiseño Native American monitor shall evaluate fill soils (including, but not limited to, exported, imported and borrow-site soils) to determine that they are clean of cultural resources.

8. Reporting. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to the termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction. Rough Grading. A copy of the monitoring report shall be provided to the South Coastal Information Center, the San Luis Rey Band of Mission Indians, the Pechanga Band of Luiseño Indians, and any culturally-affiliated tribe who requests a copy.
 9. The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist, Luiseño Native American monitor, the San Luis Rey Band and Pechanga Band related to archaeological monitoring.
- c. Final Grading
1. A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center, the San Luis Rey Band of Mission Indians, the Pechanga Band of Luiseño Indians and any culturally-affiliated tribe who requests a copy.
- d. Disposition of Cultural Material.
- The final report shall include:
1. Evidence that all Native American cultural materials have been repatriated to the San Luis Rey Band and Pechanga Band, or the MLD, if applicable, and reinterred onsite as reflected in the Preservation Plan developed in consultation with the San Luis Rey Band and Pechanga Band.
 2. The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

The Archaeological Monitoring Program/Treatment of Human Remains will be a part of the Tribal Treatment Plan (See **M-CR-10**, below) that shall be developed in consultation with the San Luis Rey Band and Pechanga Band.

- M-CR-8 Environmentally Sensitive Area - Cultural Open Space (Impact CR-7).** In order to provide an onsite location for the reinternment of cultural materials including cultural soils removed from the TCP, an Environmentally Sensitive Area (ESA) Open Space Easement shall be developed in consultation with the San Luis Rey Band and Pechanga Band, and granted to the County by the applicant. The open space easement prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. No subsurface ground disturbance activities or subsurface facilities will be permitted within the Open Space Easement, including utility trenches and irrigation systems (except for surface drip systems and the preparation of the reinternment area.) The sole exceptions to this prohibition are:
- a. Preparation of the reinternment area that may require earth-disturbing activities such as grading; excavation; placement of soil, sand, rock, gravel, or other material; and clearing of vegetation.
 - b. Reinternment of cultural materials and cultural soils which may require earth-disturbing activities such as grading; excavation; placement of soil, sand, rock, gravel, or other material; and clearing of vegetation.
 - c. Capping and hydroseeding the reinternment area for the purposes of erosion control.
 - d. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.
 - e. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health, in a location and manner approved in writing by the Director of PDS.
 - f. Access shall be provided for Luiseno tribes.

- M-CR-9 Cultural Resources Treatment Agreement and Preservation Plan (“Tribal Treatment Plan”)** (Impact CR-2, CR-3, CR-4, CR-7, CR-8, CR-9 and CR-10). In order to mitigate for impacts to Traditional Cultural Properties (TCPs) and impacts to tribal cultural resources, the applicant shall develop in consultation with the San Luis Rey Band of Mission Indians and the Pechanga Band of Luiseño Indians a Cultural Resources Treatment Agreement and Preservation

Plan (“Tribal Treatment Plan”). The Tribal Treatment Plan shall include but is not limited to the following:

- a. Parties entering into the agreement and contact information.
- b. Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, the Luiseño Native American monitors, County, and the San Luis Rey Band and Pechanga Band.
- c. Project grading and development scheduling, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
- d. Authority of the Native American Monitors to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps, in consultation with the Project archaeologist. Such evaluation shall include culturally appropriate temporary and permanent treatment pursuant to the Tribal Treatment Plan.
- e. Requirements of the Archaeological Monitoring Program, which shall be incorporated into the Treatment Plan, shall include unanticipated discoveries. The requirements shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and onsite storage of cultural materials.
- f. Treatment of identified Native American cultural materials.
- g. Treatment of Native American human remains and associated grave goods.
- h. Incorporation of CA-SDI-4558 into a passive park including the method of vegetation removal (e.g. tree removal). The landscape design shall be developed in consultation with the San Luis Rey Band and Pechanga Band.
- i. Requirements for the Dust Control Plan (CA-SDI-9822), Temporary Fencing (CA-SDI-4558, CA-SDI-5951, and CA-SDI-9811), Permanent Fencing (CA-SDI-5951 and CA-SDI-9822), Data Recovery Plan (portions of CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822), Bedrock Milling Relocation, and Trail System Design for Oak Park.
- j. Interim treatment of cultural soils and resources prior to final onsite internment, including appropriate onsite storage and security for such resources. Final internment of Native American cultural soils and materials.
- k. Confidentiality of cultural information including location and data.

- l. Negotiation of disagreements should they arise during the implementation of the Agreement and Preservation Plan.
- m. Regulations that apply to cultural resources that have been identified or may be identified during project construction.

M-CR-10 Preservation and Maintenance Plan (Impact CR-1 through CR-9). Prior to the issuance of grading permits, the Project Applicant and the San Luis Rey and Pechanga Tribes shall prepare a Preservation and Maintenance Plan for the long-term care and maintenance of CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822, and their associated cultural resources and features. The Plan shall indicate, at a minimum, the specific areas to be included in and excluded from long-term maintenance; prohibited activities; methods of preservation to be employed (fencing, vegetative deterrence, etc.); the entity or entities responsible for the long-term maintenance; maintenance scheduling and notification; appropriate avoidance protocols; monitoring by the Tribes and compensation for services; and necessary emergency protocols. The Project Applicant shall submit a fully executed copy of the Preservation and Maintenance Plan to the County to ensure compliance with this mitigation measure.

M-CR-11 Fair Share Contribution Towards Regional Ethno-historic Study (Impact CR-2 through CR-4, CR-7 through 9). In order to mitigate for impacts to Traditional Cultural Properties, the applicant shall make a fair share contribution towards a regional ethno-historic study, which study shall be prepared in consultation with the San Luis Rey and Pechanga Tribes. The applicant shall make a fair share contribution in the amount of \$50,000 to an account held in trust by a third party manager. The fund shall include the following:

- a. An agreement for the preparation of a regional study for the Deer Springs area when funding is 100 percent available. The agreement must identify the entity responsible for the management of the fund, rate of return, and annual management fees. The agreement must be reviewed and approved by the County of San Diego prior to implementation.
- b. Annual reporting to the County of San Diego on the status of the fund is required. The annual report shall include the balance of the fund and an accounting of projects that have contributed to the fund. Project information shall include the project name, project number, condition number and when fair share contributions were made.
- c. The County shall retain under contract a qualified ethnographer or anthropologist to complete a Luiseño ethnographic study of the Project

area and the associated vicinity as it relates to Luiseño knowledge, history, and culture. The selection of the consultant retained to conduct the ethnography shall consider qualifications, ability to work collaboratively with the Pechanga and San Luis Rey Tribes, cost, and shall be by mutual agreement of the Tribes and the County. Consultant selection shall be approved by the County and Tribes; however, approval of the consultant by Tribes shall not be unreasonably withheld.

- d. The study shall be completed within 1 year of the execution of the consultant's contract. The Tribes agree to work in good faith with the ethnographer to meet this deadline and the goals of this study.

While the final configuration and design of the Caltrans interchange improvements are not known at this time, to ensure potential impacts to cultural resources remain less than significant, this EIR recommends the following measure:

M-CR-12 Pursuant to California Public Resources Code Section 21081(a)(2), in coordination with the I-15 interchange improvement project, which is within the responsibility and jurisdiction of Caltrans, Caltrans can and should prepare, or cause to be prepared, a review of literature and historic maps and a records search to determine whether the project area has been previously surveyed and whether cultural resources were identified. If the project area has not been previously surveyed, Caltrans can and should conduct, or cause to be conducted, a survey of the project area as part of the NEPA/CEQA process, and avoid impacts to known significant cultural resources, to the extent feasible. Because of the potential to unearth previously unidentified resources during construction, Caltrans can and should ensure that earth-moving activity within and around any immediate discovery area is diverted until a qualified archeologist, retained by Caltrans, assesses the nature and significance of any such discovery in cooperation with other stakeholders (as needed). In addition, Caltrans can and should ensure the procedures described in state law if human remains are discovered are followed and implemented.

2.5.7 Conclusion

The 1901 historic structure was not re-located, and no evidence of the structure or related features was identified. Additional research is needed to determine if any subsurface features relating to the 1901 historic structure are present, since impacts to any such features would be considered significant (**Impact CR-1**). Implementation of a subsurface exploratory program (M-CR-1) to search for historic features associated with the 1901 historic structure would mitigate these impacts to less than significant.

For those portions of sites CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822 that would be preserved in place by being located within open space, no direct significant impacts would occur. For the portion of sites CA-SDI-4558, CA-SDI-5951, and CA-SDI-9822 that could be affected by Deer Springs Road improvements, impacts would be potentially significant (**Impact CR-2, CR-3 and Impact CR-4**). Such impacts cannot be feasibly avoided or mitigated through preservation-in-place techniques. These impacts would be mitigated to **less than significant** through implementation of a data recovery plan (M-CR-3) and a plan for removal, as well as monitoring during construction (M-CR-4) and treatment of human remains according to California Health and Safety Code Section 7050.5 and PRC Section 5097.98 (M-CR-8).

In addition, grading operations associated with the widening of Deer Springs Road may cause dust impacts on the pictograph at site CA-SDI-9822, resulting in a significant impact (**Impact CR-5**). Implementation of a dust control plan (M-CR-5) to protect the pictograph would reduce the impact to **less than significant**.

Archaeological materials were collected during the Palomar College excavations in the 1980s from the area of site CA-SDI-9822 that would be largely avoided for the project through the use of a retaining wall. These archaeological materials have not been properly cataloged or analyzed, causing a significant impact to the scientific value of this site (**Impact CR-6**). Prior to the final disposition of these artifacts, the collection would be fully analyzed according to morphological and functional classifications for each artifact class (M-CR-6) to salvage important scientific information.

It is possible that project-related grading may uncover previously unknown cultural resources. If such resources are encountered but cannot be feasibly avoided (**Impact CR-7**), significance evaluation of newly discovered archaeological resources and data recovery (M-CR-3), proper treatment of human remains (M-CR-8), and archaeological monitoring (M-CR-4) would reduce this potentially significant impact to **less than significant**.

During excavation, there is potential to discover additional human remains (**Impact CR-8**). Compliance with PRC Section 5097.98 and CEQA Section 15064.5 (M-CR-8) would reduce potential impacts to **less than significant**.

The project would increase public access to the sites CA-SDI-4558, CA-SDI-5951 and CA-SDI-9822, and potentially increase the risk of vandalism or unauthorized pot-hunting/looting, thereby resulting in a potentially significant impact (**Impact CR-9**). Implementation of avoidance measures at these three sites (M-CR-2), construction of temporary fencing (M-CR-3) and permanent fencing (M-CR-4), planning for long-term care of the resources (M-CR-10), along with contribution to a regional ethnohistoric study (M-CR-11) would reduce these potentially significant impacts to **less than significant**.

The County recognizes the cultural significance of the *Pavxin* TCP, the area associated with sites CA-SDI-9822, CA-SDI-4558, and CA-SDI-5951. The mitigation measures recommended in this section are intended, in part, to preserve and protect the integrity of *Pavxin* and to do so using culturally sensitive techniques that respect the heritage and cultural values of the site.

In summary, all potentially significant impacts on cultural resources can be mitigated to **less than significant**. Refer to Table 2.5-1 for a summary of resources sites and impact significance.

**Table 2.5-1
Site Status and Significance**

Site Number	Site Description	Site Significance/ Eligibility Status	Significant Impact Before Mitigation?	Recommended Mitigation	Significance After Mitigation
1901 Map for Historic Structure Location	Historic	County: Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Pre-grade subsurface exploration program (M-CR-1).	Less Than Significant
CA-SDI-4370	One bedrock milling feature	Destroyed. County: Not Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Monitoring (M-CR-7).	Not Significant
CA-SDI-4371	One bedrock milling feature	Not re-located; likely destroyed or located outside of project Site. County: Not Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Monitoring (M-CR-7).	Not Significant
CA-SDI-4558	Ceremonial site	County: Important; CEQA: Significant; CRHR: Eligible; RPO: Significant	Significant	All forms of preservation in place are feasible for the significant portion of site. The County of San Diego is recommending that the significant portions of the site be avoided, potentially significant deposits that may be identified during construction be subject to data recovery (M-CR-5), and monitoring (M-CR-7). The significant portions of the site will be subject to temporary fencing (M-CR-3) and permanent fencing (M-CR-4). Potentially significant impacts to the TCP through roadbed removal will be mitigated through repatriation of roadbed sediments (M-	Less Than Significant

**Table 2.5-1
Site Status and Significance**

Site Number	Site Description	Site Significance/ Eligibility Status	Significant Impact Before Mitigation?	Recommended Mitigation	Significance After Mitigation
				CR-8), development of a Treatment Agreement (M-CR-9) and Long Term Management Plan (M-CR-10), as well as contribution to a regional Ethno-historic study (M-CR-11) will reduce impacts to the TCP to less than significant.	
CA-SDI-5639	Two bedrock milling features	Destroyed. County: Not Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Monitoring (M-CR-7).	Not Significant
CA-SDI-5640	One bedrock milling feature	Destroyed. County: Not Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Monitoring (M-CR-7).	Not Significant
CA-SDI-5951	Ceremonial site	County: Important; CEQA: Significant; CRHR: Eligible; RPO: Significant	Significant	All forms of preservation in place are feasible for the northern portion of the site excluded from the off-site roadway circulation component of the project; this area would be avoided through incorporation into open space (M-CR-2). All forms of preservation in place are not feasible for significant deposits of the site located within a roadway circulation component of the project due to engineering design constraints. Mitigation of impacts through temporary fencing, (M-CR-3), permanent fencing (M-CR-	Less Than Significant

**Table 2.5-1
Site Status and Significance**

Site Number	Site Description	Site Significance/ Eligibility Status	Significant Impact Before Mitigation?	Recommended Mitigation	Significance After Mitigation
				<p>4), data recovery (M CR-5), proper treatment of human remains (M-CR-9), and monitoring (M CR-7) will reduce impacts to less than significant.</p> <p>Potentially significant impacts to the TCP through roadbed removal will be mitigated through repatriation of roadbed sediments (M-CR-8), development of a Treatment Agreement (M-CR-9) and Long Term Management Plan (M-CR-10), as well as contribution to a regional Ethno-historic study (M-CR-11) will reduce impacts to the TCP to less than significant.</p>	
CA-SDI-9822	Ceremonial site	County: Important; CEQA: Significant; CRHR: Eligible; RPO: Significant	Significant	<p>All forms of preservation in place are feasible for the northern portion of the site excluded from the off-site roadway circulation component of the project, including the area containing the pictograph. This area would be avoided through incorporation into open space (M-CR-2). Dust control measures are required to protect the pictograph during construction (M-CR-6).</p> <p>All forms of preservation in place are not feasible for significant deposits of the site located within a roadway circulation component of the project due to engineering design constraints. Avoided portions of the site will be protected through temporary fencing (M-CR-3) and permanent fencing (M-CR-4).</p>	Less Than Significant

**Table 2.5-1
Site Status and Significance**

Site Number	Site Description	Site Significance/ Eligibility Status	Significant Impact Before Mitigation?	Recommended Mitigation	Significance After Mitigation
				Mitigation of impacts through data recovery (M-CR-5), proper treatment of human remains and monitoring (M-CR-7), and laboratory analysis of the Palomar College excavation collection (M-CR-6) will reduce these impacts to less than significant. Potentially significant impacts to the TCP through roadbed removal will be mitigated through repatriation of roadbed sediments (M-CR-8), development of a Treatment Agreement (M-CR-9) and Long Term Management Plan (M-CR-10), as well as contribution to a regional Ethno-historic study (M-CR-11) will reduce impacts to the TCP to less than significant.	
CA-SDI-9253	Temporary camp	County: Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Open space easement and temporary fencing (M-CR-2, M-CR-3), monitoring (M-CR-7).	Not Significant
CA-SDI-10747H	Remains of a house, a collapsed wood structure, and a rock and mortar hearth/chimney structure	County: Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Open space easement and temporary fencing (M-CR-2, M-CR-3), monitoring (M-CR-7).	Not Significant
CA-SDI-17264	Single bifacial handstone and debitage	County: Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Monitoring (M CR-7).	Not Significant
CA-SDI-17265	Single bedrock milling feature	County: Important; CEQA: Not Significant; CRHR: Not Eligible; RPO: Not Significant	Not Significant	Open space easement and temporary fencing (M-CR-2, M-CR-3), monitoring (M-CR-7).	Not Significant

Notes: County = County of San Diego; CRHR = California Register of Historical Resources; RPO = Resource Protection Ordinance