

 <p style="text-align: center;">Comment Letter L2</p> <p style="text-align: center;">San Diego County Archaeological Society, Inc. Environmental Review Committee 7 May 2017</p> <p>To: Ms. Michelle Irace Department of Planning and Development Services County of San Diego 5510 Overland Avenue, Suite 310 San Diego, California 92123</p> <p>Subject: Draft Supplemental Environmental Impact Report Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan Amendment PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007, PDS2015-TM-5607, Log No. PDS2015-ER-15-98-190-13G</p> <p>Dear Ms. Irace:</p> <p>I have reviewed the cultural resources aspects of the subject DSEIR on behalf of this committee of the San Diego County Archaeological Society.</p> <p>Based on the information contained in the DSEIR and its Appendix D, we have the following comments:</p> <ul style="list-style-type: none"> L2-1 1. As SDCAS has consistently noted, failure to curate the collections (excluding any human remains and directly associated burial items) results in a failure to complete the mitigation of impacts to cultural resources. Per CEQA, it thus requires a statement of overriding considerations to explain the failure to do so. L2-2 2. Also as we have consistently noted, requiring the project archaeologist to <i>not</i> curate the collections results in potentially exposing that archaeologist to the Register of Professional Archaeologists' grievance process and, ultimately, suspension. That could, in turn, possibly expose the County to legal action. L2-3 3. If collections are to be turned over rather than curated, the project archaeologist must be permitted to make 3D laser scans of any of the collection artifacts, at his/her own discretion. Those scans must be verified by producing at least one proof "print", and the digital files and a proof print shall be curated at the curation facility meeting 36CFR79 requirements. L2-4 4. The third bullet under "Disposition of Cultural Material" in M-CR-2, on page 2.3-22 of the DSEIR, has an ambiguity which requires resolution. The wording needs to make clear that the material referred to is any material not otherwise collected as part of the monitoring process. That is, if the project archaeologist chooses, for any reason, not to include any items <p style="text-align: center;">P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935</p>	<p style="text-align: center;">Response to Comment Letter L2</p> <p style="text-align: center;">San Diego County Archaeological Society, Inc. James W. Royle, Jr., Chairperson May 7, 2017</p> <p>L2-1 The County is aware that the San Diego County Archaeological Society (SDCAS) does not agree with the repatriation of prehistoric (Native American) cultural materials and that to do so would cause an impact requiring overriding considerations. The mitigation measures related to the disposition of prehistoric materials includes curating artifacts at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe. Historic materials may only be curated at a San Diego curation facility and may not be repatriated or curated at a Tribal curation facility. CEQA identifies that curation (§15126.4b) may be an appropriate mitigation measure should data recovery be implemented but does not require curation. In addition, the NOP post-dates the requirement for Assembly Bill 52 (AB-52) consultation and the consideration of tribal cultural resources. AB-52 consultation requires that culturally appropriate mitigation measures be considered and included in the environmental document. As a result of consultation, repatriation was requested by Viejas due to the sensitivity of the Project site.</p> <p>All scientific information is retained through the information provided in the cultural study and there are no unmitigated impacts. As such, overriding considerations are not required. No changes were made to the EIR as a result of this comment.</p> <p>L2-2 The comment is related to RPA standards and is not at variance with the environmental document. No changes were made to the EIR as a result of this comment.</p> <p>L2-3 The comment is related to the 3-D scanning of artifacts that were collected as part of the Project analysis and/or monitoring program. The cultural sites associated with the Project were previously tested by Gallegos and Kyle (1992) and Byrd et al. (1994). As such, additional testing was not conducted by Gallegos in 2008 or</p>
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	<p>by the current efforts of ASM (2016). Should artifacts be identified during monitoring, it is up to the discretion of the Project Archaeologist as to whether 3-D scanning would be conducted. 3-D scanning would be appropriate for artifacts that are considered unusual or of research value. Human remains and associated grave goods would inappropriate for 3-D scanning as they are considered sacred by the Native American community.</p>
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L2-4,
(cont.)

L2-5

as part of the collection to be taken from the field for analysis, the Native American monitor is free to rebury them onsite. The present wording could unintentionally set up an "I saw it first" competition between the monitors and thus diminish the overall mitigation of impacts.

5. Other than the above, we concur with the impact analysis and mitigation measures.

SDCAS appreciates the opportunity to participate in the environmental review process for this project.

Sincerely,



James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: ASM Affiliates
SDCAS President
File

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L2-4 The comment identifies an ambiguity regarding the disposition of cultural materials and requests that only those materials not collected for curation be allowed to be repatriated. Under the Disposition of Cultural Materials discussion on page 2.3-22 of the SEIR, prehistoric cultural materials may be curated at a San Diego curation facility or Tribal curation facility, or may alternatively be repatriated to a culturally affiliated tribe. The subsection related to the repatriation within the Project site has been revised to indicate that repatriation would occur after artifact analysis. Also see response to comment L2-1.

L2-5 This comment states that, other than comments expressed in the letter, SANDAG agrees with the impact analysis and mitigation measures presented in the SEIR. This comment does not address the adequacy of the EIR, therefore, no further response is required.