

2.4 Cultural Resources and Tribal Cultural Resources

An archaeological and historical resources study was prepared for the Proposed Project to determine the potential for significant impacts to archaeological sites, historic structures, and Native American cultural resources as a result of Project development. The cultural resources technical study (ASM Affiliates, Inc. [ASM] 2017) was prepared by ASM in conformance with the County Guidelines for Determining Significance and Report Format and Content Requirements, Cultural Resources: Archaeological and Historical Resources (2007c). Previous work on these same parcels by RECON (2006) is also incorporated into the ASM study. The results of the cultural resources studies are presented below and included as Appendix F to this EIR on file with the County of San Diego PDS, with confidential records and maps on file at the County and deposited with the South Coastal Information Center (SCIC).

2.4.1 Existing Conditions

Coastal sage scrub, chaparral, and riparian habitats occur on site and in the surrounding area. These vegetation communities, as well as others, historically supported a number of animal species and provided resources to Native populations for a broad range of uses, including food, shelter, tools, ceremonial purposes, etc. Acorns are reported to be the most important single food source used by prehistoric populations, and villages were usually located near water, necessary for leaching acorn meal.

The Project area lies immediately south of Escondido Creek, within the sloping valley containing this drainage. As stated above, the archaeological information known about the site complexes (see Appendix F) in the general area suggests that concentrations of Native American occupation focused near major drainage confluences. Surrounding special use sites were located near natural resources and occupied for short periods during food collecting and processing. The area was also attractive to later Mexican and American ranchers and farmers, following the Hispanic intrusion into the region and continuing into the historic period. Large ranches later developed out of the old Rancho Rincon del Diablo and Pierre Renand (later John Wolfskill) lands and operated through the mid-twentieth century. Most recently, notable ranching activities in the immediate vicinity were associated with the Harmony Grove chicken and egg ranches, located just north of Harmony Grove Road, in the area now under development as part of HGV.

The presence and significance of existing cultural resources within the boundaries of the Proposed Project were determined based on a review of institutional records, previous on-site surveys, and field survey. One previously recorded site is located within the Project property. Site SDI-18320 was recorded in 2006 by Price, Collett, and Sowles of RECON as two house foundations, a barn foundation, a cistern, a stock pond, and several shallow canals possibly used for irrigation.

2.4.1.1 Methodology

The presence and significance of existing cultural resources associated with the Harmony Grove Village South project was determined using the methodologies outlined below.

This section presents the methods used in the execution of the archaeological site reconnaissance and Native American participation. Site constraints and appropriate survey adaptations to field

conditions are described below. The presence and significance of existing cultural resources associated with the Proposed Project were determined using the following methodologies; including a review of institutional records and reports for the project area and immediate vicinity including historic maps of the Project area from 1928 and 1953, a 2014 field survey, surface mapping, photographic documentation, historic structural remnant assessment, and consultation with the Native American community. Updated site record forms were prepared for one site (CA-SDI-18320) and were submitted to the SCIC.

The evaluation of cultural resources is in conformance with the County of San Diego Resource Protection Ordinance, Section 21083.2 of the PRC, and CEQA. Statutory requirements of CEQA (Section 15064.5) were followed in evaluating the significance of cultural resources.

Records Search Results

The South Coast Information Center records search identified a total of 61 previous reports completed within a 1-mile radius of the Project area, seven of which address all or a portion of the Project. A total of 62 previously recorded cultural resources are within a 1-mile radius of the Project (Appendix F). These sites include prehistoric or protohistoric habitation debris, bedrock milling stations, lithic scatters, ceramic scatters, petroglyphs, pictographs, and isolated lithic artifacts; historic dams, reservoir, well, cistern, foundations, and trash. Of those resources, just one site, SDI-18320, is located within the Project area (relocated, rerecorded and updated as part of the current field effort, see below). As noted above, Site SDI-18320 was recorded in 2006 as containing two house foundations, a barn foundation, a cistern, a stock pond, and several shallow canals possibly used for irrigation.

The identified cultural resources include 50 sites that have been assigned trinomials, 3 historic or protohistoric resources with Primary numbers, and 8 isolates. One of the archaeological sites is just a map location with no additional information beyond confirmation that the site no longer exists. Of the other 49 sites, 31 (63 percent) include bedrock milling features. No artifacts were noted on the site record for over half of the sites with milling features (22); 11 of these sites do include artifacts, ranging from a sparse scatter of lithics or ceramics to more extensive habitation debris. Pictographs were also present at three of these sites. Historic components are also present at two prehistoric sites with habitation debris and pictographs. Over one-third of the sites (18) were noted as lithic scatters, and one is a lithic quarry site. The historic resources (including CA-SDI-18320 and the remaining historic sites, both those with trinomials and those with Primary numbers) include sites with a total of four foundations, four wells/cisterns, two reservoirs, one dam, one area of machinery remnants, and one trash area.

Field Survey

On March 12, 2014, ASM archaeologist Tony Quach and Native American monitor, Michael Peralta from Native Grounds Monitoring and Research visually inspected the Project property for cultural resources. This study included a 15-meter transect pedestrian survey of all relatively flat terrain, a visual inspection of steep slopes, and an investigation of canyons, benches, ridges, and saddles in rugged terrain. During the survey, ground surface visibility was noted to be low, as almost all of the surfaces on the property were obscured by low-lying grasses. Additionally, traversing terrain in the southern portion of the Project area was limited due to thickly matted

chaparral vegetation. In areas that were thickly vegetated, the survey transect was redirected through areas that did not contain as much brush. Steep slopes with grades over 20 percent were not surveyed with systematic transects, but were checked when accessible for possible quarry sites. Bedrock outcrops were examined for signs of milling. Digital photographs were taken to document the character of the Project and survey conditions.

Results of this survey were consistent with the 2006 survey of the property by RECON. No prehistoric archaeological sites were located, and the historic features that were located associated previously recorded resource (SDI-18320) were not in pristine condition. The site was reexamined, with no significant changes observed since its original recording, with the site generally in the same condition as previously recorded by RECON in 2005. All of the features recorded by the RECON team were re-located during the current survey. Some additional graffiti was noted on the chimney and cistern. A scatter of historic artifacts was noted on the southeast side of the back porch. The scatter is approximately 14 by 10 meters in size and consists of historic ceramic sherds, various glass bottles and glass bottle shards, nails, and other historic trash and debris.

The locations and extent of each structural foundation and the historic trash scatter were recorded using a Trimble GPS unit. Several of the possible irrigation ditches and the stock pond dam were also recorded using the GPS unit.

A California Department of Parks and Recreation (DPR) 523 cultural resource update was prepared for the single previously recorded resource, and submitted to the SCIC to update their documentation.

Traditional Cultural Properties

No information has been obtained through Native American consultation or communication with the Native American monitor during fieldwork that the evaluated sites are culturally or spiritually significant. No Traditional Cultural Properties that currently serve religious or other community practices are known to exist within the Project site. During the current archaeological evaluation, no artifacts or remains were identified or recovered that could be reasonably associated with such practices.

Native American Consultation

On March 5, 2014, ASM Archaeologist Tony Quach requested a sacred lands search from the Native American Heritage Commission (NAHC) for information on any recorded Native American cultural sites located within the vicinity of the Project area of potential effect (APE). On March 12, 2014, Dave Singleton of the NAHC responded that no tribally significant Native American cultural resources have been documented within the Project boundary, but that the area is known to be culturally sensitive. Recommendations were made by the NAHC as to the appropriate tribal authorities to contact for a follow-up contact.

As part of the coordination outreach, the County initiated government-to-government consultation pursuant to Government Code §65352.3 (SB 18) and PRC §21080.3 et seq. (Assembly Bill [AB] 52). Letters regarding the Proposed Project were sent to individuals and groups identified by the NAHC on June 17, 2015 (Sacred Lands/SB 18) and on October 1, 2015

(AB 52). County consultation meetings were held with the San Luis Rey Band of Mission Indians, the Rincon Band of Luiseño Indians and the Pechanga Band of Luiseño Indians. Additional outreach was also conducted by ASM with both groups in November and early December of 2016 to request additional information. Consultation with potentially affected Tribes will continue throughout the discretionary processing of this Project.

Also as noted above, during the Project archaeological field survey, a Native American monitor accompanied the ASM archaeologist. Native Grounds Monitoring and Research was contacted, and Michael Peralta was assigned to accompany the ASM archaeologist, to observe the survey and to report the findings to the tribal authority/organization.

2.4.1.2 Regulatory Setting

Federal

National Historic Preservation Act (NHPA)

The NHPA was passed in 1966 and set the foundation for much of the more specific legislation that guides cultural resource protection and management in local jurisdictions such as the County of San Diego. The Act established an Advisory Council on Historic Preservation to help implement and monitor it.

Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties (both prehistoric and historic resources) and allow the Advisory Council a reasonable opportunity to comment on such undertakings. The goal of the Section 106 process is to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

National Register of Historic Places (NRHP)

Developed in 1981, the NRHP is an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards. Cultural resources may be considered eligible for listing if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. The criteria for determining eligibility are essentially the same in content and order as those outlined in CEQA. National Register listing places no obligation on private property owners. There are no restrictions on the use, treatment, transfer, or disposition of private property.

State

Section 15064.5 of the CEQA Guidelines, as amended, and the County guidelines, state that a cultural resource would be considered significant if it is:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register (PRC §5024.1; Title 14 California Code of Regulations [CCR], Section 4850 et seq.).
2. A resource included in the local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4852), including the following:
 - 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; or
 - D. Has yielded, or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in the California Register, determined not to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to Section 5020.1[k] of the PRC), and not identified in an historical resources survey (meeting the criteria in Section 5024.1[g] of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(i) or 5024.1.

In accordance with CEQA, cultural resources must be assessed for project-related actions that could directly or indirectly impact them. Under this scenario, impacts to cultural resources not deemed important according to the above criteria would be considered less than significant. A summary of on-site and off-site cultural resources is provided in Section 2.4.2, along with a

determination as to the significance of the impact pursuant to Section 15064.5 of the CEQA Guidelines.

California Register of Historical Resources (CRHR)

The CRHR is an authoritative guide for use by State and local agencies, private groups, and citizens to identify the State's historical resources. An historical resource can include any object, building, structure, site, area, or place that is determined to be historically or archaeologically significant. The CRHR also identifies historical resources for State and local planning purposes, determines eligibility for State historic preservation grant funding, and provides a certain measure of protection under CEQA, including Traditional Cultural Properties.

California Senate Bill 18

CA SB 18 requires that prior to the adoption or any amendment of a city or county's general plan, that agency shall conduct consultations with California Native American tribes that are on the contact list maintained by the NAHC for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.995 of the PRC that are located within the city or county's jurisdiction.

California Assembly Bill 52

California AB 52 states that current California law provides a limited measure of protection for sites, features, places, objects, and landscapes with cultural value to California Native American tribes; including sacred places, including, but not limited to, places of worship, religious or ceremonial sites, and sacred shrines. In recognition of their governmental status, AB 52 requires a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision-making body of the lead agency.

Local

San Diego County General Plan

The General Plan (2011a) contains a series of policies in the Conservation and Open Space Element relevant to archaeological and historical resources as well as human remains. The reader is referred to Section 3.1.6 of this EIR.

Grading, Clearing, and Watercourses Ordinance

Section 87.429 of the County's Grading and Clearing Ordinance requires that grading operations cease if human remains or Native American artifacts are found; and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that previously unknown historical resources or unique archaeological resources may be located on the site, and a modification is necessary to prohibit grading in the area of the resources so as to preserve the

resources, or to redirect proposed grading so as to avoid the location of such resources until they can be retrieved, or potential impacts to them have been appropriately mitigated.

Resource Protection Ordinance

The County of San Diego's RPO protects significant cultural resources. The RPO defines "Significant Prehistoric or Historic Sites" as follows:

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 shall include, but not be limited to:

- 1) Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
 - a) Formally determined eligible or listed in the NRHP by the Keeper of the National Register; or
 - b) To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or
- 2) One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and
- 3) Any location of past or current sacred religious or ceremonial observances, which is either:
 - a) Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 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.

The RPO does not allow non-exempt activities or uses damaging to significant prehistoric or historic lands on properties under County of San Diego jurisdiction. The only exempt activity is scientific investigation authorized by the County. All discretionary projects are required to be in conformance with applicable County of San Diego standards related to cultural resources, including the noted RPO criteria for prehistoric and historic sites. Non-compliance would result in a project that is inconsistent with the County's standards.

San Diego County Local Register of Historical Resources

The purpose of the San Diego County Local Register of Historical Places is to develop and maintain "an authoritative guide to be used by State agencies, private groups, and citizens to identify the County's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, or objects that are eligible to the NRHP or the CRHR are automatically included in the San Diego County Local

Register of Historical Places. If a resource meets any one of the following criteria as outlined in the Local Register, it will be considered an important resource:

- 1) Is associated with events that have made a significant contribution to the broad patterns of San Diego County's history and cultural heritage;
- 2) Is associated with the lives of persons important to the history of San Diego or its communities;
- 3) Embodies the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- 4) Has yielded, or may be likely to yield, information important in prehistory or history.

2.4.2 Analysis of Project Effects and Determination as to Significance

The following discussion evaluates potential impacts to prehistoric and historic sites resulting from the Proposed Project. Section 15064.5(c) of CEQA addresses effects on archaeological sites. It notes that if archaeological resources are not unique, project effects on those resources shall not be considered a significant effect on the environment. The resource and potential effects must be addressed in the EIR, but the site need not be further considered during the CEQA process. As described above, no standing structures are present on site, nor would any structures be affected by implementation of off-site utilities into existing roadways. The remainder of this discussion addresses the potential for archaeological resources. The potential disturbance of human remains with regard to the Proposed Project also is discussed below.

2.4.2.1 Archaeological Sites

Guideline for the Determination of Significance

For the purposes of this EIR, a significant impact to cultural resources would occur if the Proposed Project would:

1. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site that contains or has the potential to contain information important to history or prehistory.

Guideline Source

This guideline is derived directly from CEQA. Sections 21083.2 of the PRC and 15064.5 of the CEQA Guidelines recommend evaluating archaeological resources to determine whether or not a proposed action would have a significant effect on unique archaeological resources. Any project that would have an adverse impact (direct, indirect, and cumulative) on significant archaeological resources as defined by these guidelines would be considered a significant impact.

Analysis

On-site Resources

No prehistoric archaeological resources were identified during the 2006 or 2014 site surveys. Therefore, **no impact would occur to known prehistoric archaeological sites.**

The remnants of one abandoned farm complex was documented and evaluated for significance according to CEQA (Section 15064.5): CA-SDI 18,320. This was evaluated both by RECON in 2006 and ASM in 2014 and determined not to be a significant resource under CEQA.

No information was found to associate the site uses with a significant event in California's history or cultural heritage. Information was found about two of the owners of the land, Jerry and Rosie Ferrera, who ran a winery on at least part of the property from 1925 to 1934. The Ferreras were known in the Escondido area, but nothing could be found to link them to significant events in Harmony Grove, Escondido, San Diego County, or California's past. Additionally, because none of the structural remains associated with the site is intact and there are no distinctive characteristics associated with those remnants, no valuable information could be discerned regarding the history of the region. The structural remnants were therefore determined to not be significant because they do not contain historic, architectural, or informational value. **Impacts to on-site historic archaeological resources would be less than significant.**

There is, however, a potential for archaeological deposits to lie buried below the site alluvium, and/or that the discovery of sites has been hampered by dense vegetation. There is the potential that grading activities associated with construction of the Proposed Project could result in the discovery of previously unrecorded, potentially significant archaeological resources.

Off-site Resources

Off-site ground disturbance would occur within existing paved roads, and to a depth that generally would be considered already disturbed based on the existence of the roadway, and existing utilities within it. For instance, water lines to be located in Country Club Drive are expected to not exceed 5 feet in depth. Other utilities (such as reclaimed water lines) would be placed in sections of Harmony Grove Road and Country Club Drive that have recently been excavated to support water and sewer lines/force mains for HGV. It is expected that the Proposed Project lines would be located between similar utilities at similar depths. Because existing levels of disturbance are not known with certainty, there is a low potential for discovery of previously unrecorded, and potentially significant, subsurface archaeological resources during off-site Project-related grading activities.

Impacts to unknown on- or off-site cultural resources are identified as potentially significant. (Impact CR-1)

2.4.2.2 *Human Remains*

Guideline for the Determination of Significance

For the purposes of this EIR, a significant impact to human remains would occur if the Proposed Project would:

2. Disturb any human remains, including those interred outside of formal cemeteries.

Guideline Source

This guideline is derived directly from CEQA and is included because human remains must be treated with dignity and respect and CEQA requires consultation with the Most Likely Descendant (MLD) as identified by the NAHC for any project in which human remains have been identified. Any project that would have an adverse impact (direct, indirect, cumulative) on human remains as defined by this guideline would be considered a significant impact. Any identification of human remains is considered significant under the County RPO.

Analysis

On- and Off-site Resources

During the current archaeological evaluation, no evidence of human remains, including those interred outside of formal cemeteries, was identified during the records search, literature review, field survey, or site testing and evaluation program. There is no archaeological indication that the project site was used by Native Americans for religious, ritual, or other special activities (please also refer to Section 2.4.2.4, below). An archaeological monitoring program would be included in the mitigation monitoring and reporting program which includes California State law requirements should human remains be identified during ground disturbing activities. For all of these reasons, discovery of human remains is considered unlikely. **If, however, human remains were to be unexpectedly unearthed during grading activities, impacts could be significant. (Impact CR-2)**

2.4.2.3 *RPO Significant Cultural Resources*

Guideline for the Determination of Significance

For the purposes of this EIR, a significant impact to cultural resources would occur if the Proposed Project would:

3. Propose activities or uses damaging to significant cultural resources as defined by the County RPO and the project fails to preserve those resources.

Guideline Source

This guideline is derived from the County's RPO, which does not allow non-exempt activities or uses damaging to significant prehistoric lands on properties under County jurisdiction. The only exempt activity is scientific investigation. 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. Any project that would have an adverse impact (direct, indirect, cumulative) on significant prehistoric resources as defined by this guideline would be considered a significant impact.

Analysis

On-site Resources

No intact superstructure of the on-site structures remains, and as noted above, no individuals particularly significant to this locale were associated with the property. It is not expected that valuable information is available in the concrete and stone foundations, fireplace or cistern areas, as they do not exhibit unusual or unique construction styles or materials. Rather, these were common, practically constructed structures, which are common to many periods and regions in the early 1900s. Although some buried resources may exist on site, given the lack of surficial resources, it is unlikely that information important to local or State history would be found in these deposits. Some information might be available relative to the residents' consumer patterns but this would not be considered important historic information.

The one historic-period archaeological site located within the Project footprint has been determined not important under the County RPO. Therefore, **no impact would occur to on-site RPO significant cultural resources.**

Off-site Resources

Impacts to RPO-protected resources are considered highly unlikely given the lack of surface indications, results of Project surveys, and the disturbed nature of potential alignments. The potential for impacts to RPO-significant resources within these highly disturbed areas are considered minimal. **No impact is identified to off-site RPO significant cultural resources.**

2.4.2.4 Tribal Cultural Resources

Guideline for the Determination of Significance

For the purposes of this EIR, a significant impact to tribal cultural resources would occur if the Proposed Project would:

4. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as a site, feature, place, [or] cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
 - b. 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Guideline Source

This guideline is derived directly from the State CEQA Guidelines Appendix G. Any project that would have a substantial adverse impact (direct, indirect, cumulative) on the significance of tribal cultural resources as defined by this guideline would be considered to result in a significant impact.

Analysis

On- and Off-site Resources

During a County consultation meeting with the San Luis Rey Band of Mission Indians, the tribe raised the issue that a traditional viewshed would be impacted by the Project. Additionally, during County consultation with the Pechanga Band of Luiseño Indians, the Band indicated that traditional cultural resources were located on the property (the village of Chaymay within the geographic location of Uulama). ASM conducted tribal outreach with both groups in November and early December of 2016 to request additional information. No information has been provided to date (see Appendix C of Appendix F to this EIR).

At this time, and as summarized below, there is insufficient information to geographically define either of these resources in terms of size and scope, or to ensure eligibility for listing in accordance with either criteria a or b as defined above.

Specifically with regard to the potential for a village to be located on site, as noted above, a Native American monitor accompanied the ASM archaeologist during site review to observe the survey and to report on his findings to the Tribe. The findings were consistent with prior review of the site; no prehistoric archaeological resources were located in this highly disturbed setting. While the general Escondido/Harmony Grove area is understood to contain cultural resources, the presence of these resources (and subsequent *substantial adverse change* to their significance from existing conditions) as a result of Project implementation are considered highly unlikely given the disturbed nature of the site and off-site utility/street alignments, as well as the lack of known archaeological resources.

Regarding the traditional viewshed, absent additional input from the Band, it is assumed that the traditional viewshed may be based on the dominant peaks that are the subject of substantial discussion in Subchapter 2.1 of this EIR. As noted there, the dominant peaks around the southern edge of the valley would not be built on by the Project (these peaks are predominantly off site, and Project development is held to lower elevations within the site proper).

No tribal cultural resources meeting the criteria to qualify as significant are known. Based on the absence of information provided during consultation to support more specific analysis, as well as the data provided herein, **no *substantial adverse change* has been identified to the significance of traditional cultural resources that qualify for the CRHR/a local register or protection under PRC 5024.1.**

2.4.3 Cumulative Impact Analysis

According to CEQA, the importance of cultural resources stems from their research value and the information that they contain. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of that information. For sites considered less than significant, the information is preserved through recordation, test excavations and preservation of artifactual data. Culturally significant sites that are placed in protected open space easements avoid direct impacts, as well as preserve potential research data. Significant sites that are not placed within open space easements and are directly impacted by a project, preserve information through recordation, test excavations, and data recovery programs that would be presented in reports and filed with the County and SCIC. Because cultural resources are non-renewable in nature, it is critical that information obtained through survey and excavation is appropriately recorded and retained.

No on-site significant cultural resources were located. There is, however, an identified potential for on-site impacts to subsurface deposits or features that are currently not recorded. In addition, impacts could occur to off-site archaeological resources from the construction of utility or access facilities that would also serve the proposed project. Based on this potential, Project implementation could result in a cumulatively considerable impact.

Prehistoric and historic settlement patterns can be very broad; therefore it is prudent to consider a large study area when evaluating cumulative impacts. The cultural resources cumulative study area was identified based on potential future research questions that could be developed within the context of subsistence and settlement models for the Project area.

Major east-west drainages were the travel corridors utilized by prehistoric occupants in their seasonal rounds. The confluences of drainages are often major habitation site locations, with associated temporary camps and resource procurement stations established on surrounding tributaries and adjacent uplands. The cumulative study area therefore includes the area along Escondido Creek for approximately 5 miles upstream and downstream. Two small drainages that trend through the Proposed Project are tributaries to the major east-west drainage corridor of Escondido Creek (as is any on-site sheet flow). CA-SDI-8280, CA-SDI-12209, and a number of smaller sites are found in proximity to one another a short distance upstream from Harmony Grove and from the current Project area. The numerous small sites in the vicinity and along Escondido Creek are likely associated with this habitation complex.

The cumulative projects in the vicinity of the Proposed Project are listed on Table 1-3 of this EIR, and are shown on Figure 1-23. Four projects within the cumulative study area contain CEQA significant cultural resources; CA-SDI-34, CA-SDI-8280, CA-SDI-12209, and CA-SDI-12684. At least portions of three of these sites (CA-SDI-34, CA-SDI-8280, and CA-SDI-12209) are both CEQA and RPO significant cultural resources because of their potential to provide important information about scientific research questions, as well as the presence of culturally significant elements, such as pictographs, petroglyphs, or human remains. Impacts to these sites would contribute to a regionally significant cumulative loss of non-renewable cultural resources.

Impacts to the significant sites on the cumulative projects list, however, have been, or will be, mitigated through avoidance/preservation in open space, data recovery, and curation of cultural

material collected. As noted above, no significant impacts are currently anticipated to result from implementation of the Proposed Project. If significant sites were to be located during Project construction, direct impacts to cultural resources would be reduced to less than significant through mitigation measures that include avoidance, if feasible, and data recovery. As outlined above, the cultural resources located within the cumulative projects would be mitigated through avoidance/preservation, data recovery, and curation.

Because the proposed project and those projects identified within the cumulative impact study area are primarily mitigated by the collection and archiving of information and the preservation of the most important resources, adequate mitigation has occurred for in situ appreciation of and access to archived research materials for future generations. For the Project, no on- or off-site significant resources are known, and the potential for a new location of a significant site has been addressed through implementation of avoidance, if feasible, recordation, and/or data recovery, as appropriate. Any retrieved information would be archived so that it would be available for future researchers. **This results in the Project contribution to the significant cumulative impact being less than considerable, and therefore less than significant.**

Relative to tribal cultural resources, no sites or resources meeting the criteria to qualify as significant are known. As a result, any Project contribution to loss of these properties is considered **less than considerable and therefore less than significant.**

2.4.4 Significance of Impacts Prior to Mitigation

The following potentially significant impact could occur with Project implementation:

Impact CR-1 There is a potential for significant direct impacts related to undiscovered buried archaeological resources on or off the Project site during Project-related grading. Impacts to these resources would represent significant environmental effects.

Impact CR-2 There is an unlikely but possible potential for significant direct impacts related to discovery of unknown burials on or off the Project site during Project-related grading. Impacts to these resources would represent significant environmental effects.

2.4.5 Mitigation

M-CR-1 and 2 An archaeological monitoring and data recovery program would be implemented to mitigate potential impacts to undiscovered buried archaeological resources on the Project site to the satisfaction of the Director of PDS. This program shall include, but shall not be limited to, the following actions:

- Pre-Construction
 - Provide evidence that a County approved archaeologist has been contracted to implement the Archaeological Monitoring program.

- The Project Archaeologist shall contract with a Luiseño Native American monitor.
- The pre-construction meeting shall be attended by the Project Archaeologist and Luiseño Native American monitor to explain the monitoring requirements.
- Construction
 - Monitoring. Both the Project Archaeologist and Luiseño Native American monitor are to be on site during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Luiseño Native American monitor. Monitoring of previously disturbed soils will be determined by the Project Archaeologist in consultation with the Luiseño Native American monitor.
 - If cultural resources are identified:
 - Both the Project Archaeologist and 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 Luiseño Native American shall determine the significance of discovered resources.
 - 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. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Luiseño Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
 - If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Luiseño Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

- Human Remains.
 - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
 - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (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.
- Rough Grading
 - Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered.
- Final Grading
 - A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered.
 - Disposition of Cultural Material.
 - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively has been repatriated to a culturally affiliated Tribe.
 - 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.

2.4.6 Conclusion

The Proposed Project would not impact any known significant on- or off-site cultural resources. The Proposed Project may have significant impacts if unknown artifact deposits or human remains are uncovered or unearthed during on- or off-site construction (Impacts CR-1 through CR-2). The mitigation would reduce impacts to potential buried cultural resources to below a level of significance because the site would be avoided, if feasible, or data recovery is required that would allow important information to be obtained prior to removal. The proposed mitigation would ensure that all information contained in the archaeological record, which is important to the understanding of the historical or prehistoric periods, is preserved. The mitigation would also ensure that the archaeological monitor or Luiseño Native American monitor has the authority to halt or divert grading activities in the area of any discoveries.

If human remains are unearthed during grading activities, the County Coroner and the NAHC would be contacted as required to ensure that the proper steps are taken. Based on consultation with the MLD, a determination as to the disposition of the human remains would be made. The proposed mitigation would ensure that any discovered human remains would be preserved for the County Coroner and the MLD.

Implementation of M-CR-1 and 2 would ensure that no impacts to significant prehistoric or historic resources would occur as a result of Project development, thereby also ensuring compliance with CEQA, the County's RPO, and the County of San Diego Report Format and Content Guidelines – Cultural Resources (December 5, 2007c). The ability to halt or divert grading activities followed by evaluation and treatment of the resource as specified in the mitigation measures would reduce potentially significant impacts to less than significant levels because they would ensure that: (1) relevant information contained in the archaeological record, which is important in understanding prehistory and history, is preserved; and (2) that previously unknown cultural resources would not be lost due to unrestricted and unmonitored grading activities.

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