

## **2.7 Tribal Cultural Resources**

This section discusses the known tribal cultural resources (TCRs) that have been documented in the general area of the Campo Wind Project with Boulder Brush Facilities (Project), and religious properties and/or sacred sites that may qualify as historic properties.

No comments were received in response to the Notice of Preparation regarding TCRs. A copy of the Notice of Preparation and comment letters received in response to the Notice of Preparation are included in Appendix A of this Environmental Impact Report (EIR).

The analysis is based on a review of existing TCRs; technical data; applicable laws, regulations, and guidelines; and the technical report prepared for the Project attached as Appendix E, in conformance with the California Environmental Quality Act (CEQA) Guidelines Appendix G Checklist Question XVII(a) and (b), as well as with the County of San Diego Guidelines for Determining Significance, Tribal Cultural Resources (County of San Diego 2007) and other applicable standards. In addition, this assessment is also based on Native American consultation conducted by the County of San Diego (County).

For the purposes of this section, TCRs include those resources identified by tribal individuals that are either eligible for listing in the California Register of Historical Resources (CRHR) or are treated as a TCR by the CEQA Lead Agency supported by a substantial burden of evidence. In many cases, TCRs are CRHR-eligible archaeological sites that convey tribal values.

### **2.7.1 Existing Conditions**

#### **Tribal Cultural Resources**

The Project Site, situated in southeast San Diego County, includes private land under the land use jurisdiction of the County (Boulder Brush Boundary) and land within the Campo Band of Diegueño Mission Indians (Tribe) Reservation (Reservation). The Reservation is composed of Old Campo and New Campo Reservation lands, totaling approximately 16,000 acres. It is the largest of the four southeastern reservations including Manzanita, La Posta, and Cuyapaipe. Like the other three southern bands, the Tribe has had a history of relative obscurity in comparison to some of the larger reservations in San Diego County and Southern California (Carrico et al. 1982).

## Project Site Conditions

### Area of Potential Effects

The area of potential effects (APE), which is specific to the Cultural Resources Study (Appendix E), is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of TCRs. The Cultural Resources Study (Appendix E) covers the 2,953 acres that compose the Project APE; 753 acres, which includes the approximately 320-acre Boulder Brush Corridor, located on private land within the Boulder Brush Boundary (Boulder Brush APE), and approximately 2,200 acres, which comprises the Campo Corridor (Campo APE), located on land within the Reservation. The area of direct impact (ADI) that will be developed for construction and operations of the Project includes approximately 130 acres on private land (Boulder Brush ADI) and approximately 800 acres On-Reservation (i.e., within the Reservation Boundary) (Campo ADI). The APE includes the location of Project components (Figure 2.7-1, Area of Potential Effects). Each APE is composed of survey buffers for the different kinds of facilities, including:

- A 350-foot-wide corridor along linear wind turbine strings
- A 200-foot-wide corridor along new access roads and gen-tie line
- A 150-foot-wide corridor along electrical collection and communications lines
- A 100-foot-wide buffer around existing roads
- A 1,000-foot-wide buffer around the Project substations and switchyard

### Tribal Cultural Resources in the Area of Potential Effects

Six TCRs have been identified within the Project APE, but all are located outside of the ADI. TCRs include CA-SDI-7140, CA-SDI-7151/CA-SDI-7162, CA-SDI-8939, CA-SDI-22581, CA-SDI-22596, and P-37-038463; all six are located outside of the ADI.

#### *CA-SDI-7140*

This site covers a 330-meter by 250-meter area and includes a moderately dense surface artifact scatter and a total of 17 granitic bedrock milling features. A portion of the site was evaluated as part of a separate study by Comeau et al. (2019) (Appendix E). The artifact density identified in the evaluated portion of CA-SDI-7140 is relatively low, materials are confined to the upper 20 cm of deposit, and midden is lacking. However, human remains were identified in two excavation units outside of the current ADI, and as a result, the site is considered significant under CEQA and the County's Resource Protection Ordinance (RPO). The site was identified as a TCR during the County's consultation process.

*CA-SDI-7151/CA-SDI-7162*

This large prehistoric site was recorded and evaluated by Westec (1983) and BFSA (1998) who each determined that the site is significant under CEQA and eligible for listing in the CRHR under Criterion 4 (data potential). BFSA (1998) also identified the site as significant under the County RPO based on the presence of multiple rock shelters. The site is considered significant under the County RPO due to the discovery of human remains at Locus C/3. Four loci within the site were identified which contain significant deposits/features and/or human remains that contribute to the significance of the site; all four of these areas are outside the ADI and will be avoided. Additional excavation efforts were requested by the most likely descendent (MLD), which were performed for another project and were documented in a separate report by Comeau et al. (2019) (Appendix E). Subsequent to those efforts, this Project was redesigned to avoid impacts to the entirety of the site. CA-SDI-7151/7162 was identified as a TCR during the County's consultation process.

*CA-SDI-8939*

CA-SDI-8939 is a large prehistoric habitation site, containing at least 18 bedrock basins, eight mortars, and 24 slicks at five outcrops over a roughly 100-meter by 100-meter area with midden soils interspersed among the boulders. Artifacts recorded include hundreds of chipped stone flakes and potsherds, and one stone blade. Several fragments of cremated human bone (and other possible fragments) were also identified. The site is located outside of the ADI and will be completely avoided. CA-SDI-8939 was identified as a TCR during the County's consultation process.

*CA-SDI-22581*

This site is a large temporary camp situated on three adjacent knolls, separated by east-west trending drainages. Each knoll was delineated as a distinct locus of occupation containing low to moderate densities of chipped stone and potsherds interspersed among bedrock milling features. No midden soils were identified and artifacts are confined to the upper 20 cm, although human remains were positively identified on the surface. Due to the presence of human remains, the MLD requested a subsurface excavation program to be performed to determine if any additional remains may be present; none were found beneath the surface during the evaluation of the site for a separate project by Comeau et al. (2019) (Appendix E). The site is located outside of the ADI and will not be impacted. CA-SDI-22581 was identified as a TCR during the County's consultation process.

*CA-SDI-22596*

CA-SDI-22596 is a multicomponent site consisting of a prehistoric and historic artifact scatter, and human remains. The site measures approximately 35 meters by 40 meters, containing four small artifact concentrations (three prehistoric and one historic in age). Surface artifacts not located within

the concentrations at the site include more than 30 brownware ceramic body sherds, more than 100 white glass fragments, two crushed oil cans, 15 whiteware ceramic fragments, 10 purple glass fragments, 15 barbed wire fragments, three brown glass fragments, two bottle finish fragments, and more than 100 unidentified metal fragments. A total of 47 fragments of cremated bone were identified as likely human remains, including six cranial fragments and 41 long bone fragments. Comeau et al. (2019) previously evaluated the site for a separate project and found CA-SDI-22596 to be significant under CEQA and the County RPO due to the presence of human remains (Appendix E). The site was determined to be a TCR during the County's consultation process.

### *P-37-038463*

P-37-038463 is a zoomorphic rock formation identified by Native American consultants during a site visit as part of the AB 52 process. This resource was documented on a DPR form and was noted as being a TCR. As such this resource is significant under CEQA. P-37-038463 is located just along the margin of, and outside, the Boulder Brush APE, but is included herein to ensure its documentation and consideration in the planning process. It will be avoided by Project design.

## **2.7.2 Regulatory Setting**

### Tribal Regulations

Tribal regulations are applicable to the Campo Wind Facilities and the Campo Reservation. Tribal regulations are not applicable to the Boulder Brush Facilities, which are proposed on private land subject to the County's jurisdiction.

### **Campo Band of Mission Indians Land Use Plan**

The Tribe has adopted a Land Use Plan to guide physical development within the Reservation and ensure it occurs in a manner consistent with the Tribe's goals for economic and social advancement and that development does not threaten the environment and cultural resources of the Reservation or surrounding communities.

The Land Use Plan, Chapter 4, Policies, Goals, and Objectives of Land Use, states that it is a primary goal of the members of the Tribe to preserve the traditions and values of their culture via language, ceremonies, and religious practices, and to protect and preserve the historical and archaeological resources present on the Reservation.



The Land Use Plan also contains a Cultural Resources Element. This includes objectives, programs, and standards as outlined below:

### *Objectives*

1. Protect and preserve historic and archaeological resources on the Reservation.
2. Encourage and promote the recognition of the significance of historic and archaeological resources to the maintenance of the Campo Band's cultural heritage among tribal members and general public.
3. Assess current and proposed land uses for impacts on cultural resources.

### *Programs*

The Campo Environmental Protection Agency (CEPA) shall continue to monitor the preservation of cultural resources on the Reservation and maintain an updated inventory and map of these resources which can be used in the evaluation of prospective development on tribal lands. Developers shall be required to engage qualified archaeological assistance in preparing a comprehensive cultural resources study of an area proposed for development and not previously surveyed.

A historic or prehistoric resource shall be determined to be significant if it has one or more of the following characteristics:

1. It exemplifies or reflects the broad cultural, political, economic, or social history of the Campo Band.
2. It has yielded or has the potential to yield information important in history of prehistory.
3. It is a site or structure that is important to the history of the Campo Band.
4. It is a surviving site, structure, or object important to the culture or community for scientific, traditional, religious, or other reasons.

### *Standards*

The proposed development shall be assessed for potential impacts upon historic and prehistoric resources. If the proposed development is found to have significant impacts on prehistoric or historic resources it shall be required to provide adequate mitigation of those impacts, in accordance with the recommendations of a qualified archaeological consultant and the designated Cultural Resources lead for the Reservation. Mitigation measures may include monitoring of earth moving or construction equipment, study and documentation of resources, extraction and/or preservation of resources, or incorporation of the resources into the project design.

Under the terms of the Campo Lease between the Tribe and the Developer, the Campo Land Use Plan is not applicable to the Campo Wind Facilities, with the exception of set-back requirements.

### Federal Laws and Regulations

Federal laws and regulations are applicable to the Campo Wind Facilities and the Reservation. Federal regulations described below are only applicable to Boulder Brush Facilities if a federal permit is required.

#### National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended (16 USC, Section 470) sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places (NRHP). Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on those undertakings, following regulations issued by the ACHP (36 CFR 800).

Section 106 of the NHPA requires federal agencies, including the Bureau of Indian Affairs (BIA), to consider the effects of their actions on historic properties and to seek comments from the ACHP. The purpose of Section 106 is to avoid unnecessary harm to historic properties from federal actions. The BIA requires compliance with Section 106 for their formal undertakings.

#### Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) makes acts of destruction or alteration of archaeological resources punishable with civil and criminal penalties. The U.S. Department of the Interior has issued regulations under the ARPA, establishing definitions, standards, and procedures to be followed by all federal land managers in providing protection for archaeological resources located on public lands and Native American lands of the United States. Permitting authority of the BIA under ARPA is detailed in 25 CFR Part 262. An application for an ARPA permit must include authorization and a written agreement between the federal agency and an appropriate repository that will house and curate the collection recovered from the Project Site. This permit process applies to all excavations on federal, public, and tribal lands.

#### Native American Graves Protection and Repatriation Act

If Native American human remains, associated or unassociated funerary objects, sacred objects, and objects of cultural patrimony are found, then the Native American Graves Protection and

Repatriation Act (NAGPRA; 25 USC 3001–3013) would apply. Under NAGPRA, federal agencies are required to consult government-to-government with Native American Tribes in addition to carrying out the inventory, summary, and repatriation provisions of NAGPRA. Federal agencies also have special NAGPRA responsibilities when Native American human remains and objects are discovered on federal and tribal lands. On tribal trust lands, the Tribe, rather than the federal agency retains responsibilities under NAGPRA.

### Traditional Cultural Properties/Tribal Cultural Resources

#### *Native American Heritage Values*

Federal and state laws mandate that consideration be given to the concerns of contemporary Native Americans with regard to potentially ancestral human remains, associated funerary objects, and items of cultural patrimony. 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, “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:

- 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 2007). For purposes of this analysis, 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.

### State Regulations

State regulations are applicable to the Boulder Brush Facilities on private lands subject to the County's jurisdiction. State regulations are not applicable to the Campo Wind Facilities or the Reservation.

### California Environmental Quality Act

CEQA requires lead agencies to consider the potential effects of a project on TCRs. An assessment of impacts associated with the direct or indirect destruction of TCRs or sites with cultural value to a California Native American tribe is required.

Assembly Bill (AB) 52 amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under CEQA, known as TCRs. PRC Section 21074(a)(1) and (2) defines TCRs as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe" that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a TCR by a Lead Agency, in its discretion and supported by substantial evidence.

PRC Section 21080.3 describes the process CEQA lead agencies must adhere to during consultation on TCRs, including notification and response timelines. It also provides (in PRC Section 21080.3.2[a]) potential discussion topics such as the significance of TCRs, the impacts a project may have on them, and possible mitigation. The purpose of this section is to help CEQA lead agencies fulfill their obligations for identifying and mitigating impacts to the environment regarding TCRs.

### Local Regulations

Local regulations are applicable to the Boulder Brush Facilities which are proposed on private land subject to the County's jurisdiction. Local regulations are not applicable to the Campo Wind Facilities or the Reservation.

According to the County's Guidelines (County of San Diego 2007a: 21–22), any of the following will be considered a potentially significant impact to cultural resources:

1. The project causes a substantial adverse change in the significance of a historic resource as defined in Section 15064.5 of the State CEQA Guidelines. This shall include the destruction, disturbance or any alteration of characteristics or elements of a resource that cause it to be significant, in a manner not consistent with the Secretary of Interior Standards.
2. The project causes a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.
3. The project disturbs any human remains, including those interred outside of formal cemeteries.
4. The project proposes activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance and fails to preserve those resources.
5. The project proposes activities or uses damaging to significant causes a substantial adverse change in the significance of a tribal cultural resources as defined under CEQA Section 21074.

Guidelines 1 and 2 are derived directly from CEQA. Sections 21083.2 of CEQA and 15064.5 of the state CEQA Guidelines recommend evaluating historical and archaeological resources to determine whether or not a proposed action would have a significant effect on unique historical or archaeological resources. Guideline 3 is included because human remains must be treated with dignity and respect and CEQA requires consultation with the "Most Likely Descendant" as identified by the Native American Heritage Commission (NAHC) for any project in which human remains have been identified. Guideline 4 was selected because the RPO requires that cultural resources be considered when assessing environmental impacts.

Since the adoption of the County CEQA Guidelines, a new subject area has been added to CEQA – Tribal Cultural Resources. Guideline 5 is included because TCRs are important to local Native American communities and may include sacred sites and traditional use areas that have been used over multiple generations.

All discretionary projects are required to conform to applicable County standards related to cultural resources. These include the Zoning Ordinance, General Plan, and the Grading, Clearing and Watercourses Ordinance (Section 87.429). Non-compliance would result in a project that is inconsistent with County standards, which is itself a significant impact under CEQA.

#### 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 Boulder Brush Facilities (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.

### San Diego County Local Register of Historical Resources

The San Diego County Local Register of Historical Resources (Local Register) is an authoritative listing and guide to be used by local agencies, private groups, and citizens in identifying historical resources within the County. The Local Register shall also be used as a management tool for planning, and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change. The Local Register consists of historical resources that

are: (a) listed automatically; and (b) nominated by an application and listed after a public hearing process (County of San Diego 2002).

(a) Historical resources to be listed automatically in the Local Register include the following:

(1) Historical resources listed on the National Register of Historic Places or California Register of Historical Resources. Normally, sites that are determined as eligible for listing on the National Register of Historic Places or California Register of Historical Resources or sites previously designated as Historic/Archaeological Landmarks or Districts through the application of the “H” or “J” special area designator are eligible for listing in the Local Register.

(b) Historical resources that require nomination to be listed in the Local Register may be nominated by individuals, organizations, or governmental agencies. Resources that are to be listed in the Local Register must have owner approval prior to consideration for listing. These resources include:

(1) Local historical resources identified as significant during CEQA environmental review.

(2) An historical resource or historic district.

(3) An historical resource contributing to the significance of a nominated historic district.

(4) A group of historical resources identified in historic resource surveys, if the survey meets the criteria and standards of documentation as identified in Section V(e) of this Ordinance.

(5) An historical resource, a group of historical resources, or historic districts designated or listed as County landmarks or historical resources or districts pursuant to any County ordinance, if the criteria for designation or listing under the ordinance have been reviewed by the Historic Site Board as meeting the Local Register criteria.

(6) Historic Landmarks or Districts designated through the application of the “H” or “J” special area designator.

## County of San Diego Grading Ordinance

The County 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).

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

#### **Methodology**

The inventory of TCRs included an intensive survey to identify and describe specific TCRs within each APE. Intensive surveys were used to precisely document resources within a given area or when information was needed for particular properties for later evaluation and treatment decisions. Such surveys entail the documentation of the types of resources that are present, the precise locations and boundaries of all identified resources, the method of survey (including the extent of survey coverage), and data on the appearance, significance, and integrity of each resource. Full-coverage (100%) systematic surveys with 15-meter (50-foot) transect intervals were performed.

#### **Records Search**

A records search was conducted by Dudek in 2017 using South Coastal Information Center (SCIC) data for the private land within the Boulder Brush Boundary as well as a 1.0-mile buffer around it. The records search identified 31 studies that have been performed in the search area, including 11 that have covered at least part of the Boulder Brush APE. Additionally, Dudek staff conducted a records search for Reservation land for the Campo APE and a 0.25-mile buffer surrounding the Campo APE on July 5, 2018. SCIC records indicate that 60 previous cultural resources studies have been performed within the records search area; of these, 37 have covered at least a portion of the Campo APE.

#### **Pedestrian Survey**

For the pedestrian survey, archaeological sites were generally defined as consisting of three or more artifacts in a 25-square-meter area, or the presence of at least one feature, with sites delineated from each other by an absence of cultural materials over a distance of 30 meters.

The pedestrian survey was conducted in less than 15-meter intervals with variations in actual survey transect spacing dependent on ground visibility. Areas with dense vegetation required shorter, 10-meter transect spacing and areas with excellent ground visibility at times allowed for a maximum transect width of 15 meters. Transect spacing was assisted by the use of a Trimble GeoXT GPS device. The crew moved together as a team to ensure accurate transect spacing and

to facilitate resource identification. Upon discovery of an artifact or feature, the crew stopped to make a determination about the find. Artifact concentrations and features were recorded during transect sweeps.

When recording a site, visible artifacts were marked with pin flags to delineate the approximate size and boundaries of its surface deposit. Once artifacts and features were identified, crew members recorded field notes; recorded an approximate surface artifact inventory; identified features; took site photographs; and recorded UTM coordinates of site components. Each new site was assigned a temporary resource identifier for tracking during post field data processing. No artifact collections were made during the inventory.

During the course of surveys of this Project, Native American monitors participated in fieldwork as additional crew persons spaced between archaeologists. Native American participation was coordinated directly by the Tribe and CEPA. With their consent, Native American input during the survey was to be documented in the daily survey log, specifically information regarding Traditional Cultural Properties or specific areas of Tribal concern encountered during survey.

The field methods included inventory (Phase I) and evaluation (Phase II) efforts conducted between May 2017 and January 2019, further discussed in Section 2.4, Cultural Resources. Identified cultural resources are also listed in Section 2.4.

### Tribal Consultation and Outreach

Coordination with the CEPA was conducted in all aspects of the cultural resource survey. Prior to initiating fieldwork, a work plan was approved by the Tribe and BIA, and an ARPA permit was granted by the BIA.

The NAHC was contacted by Dudek on January 8, 2019, for a search of its Sacred Lands File for data relating to the Project (Confidential Appendix C to EIR Appendix E). The NAHC responded on January 14, 2019, stating that resources are listed in the Sacred Lands File for this area, but did not provide details on what the resource(s) are. The NAHC recommended contacting the Campo Band of Mission Indians and the Manzanita Band of Kumeyaay Nation for more information on the resource(s) and provided contact information for those Tribes and other Native American Tribes that may have additional information. Letters were sent to the identified Tribes requesting information or concerns they may have related to the Project on January 15, 2019. One response was received. On January 29, 2019, the Viejas Band of Kumeyaay Indians stated that this area has cultural significance to Viejas. They requested that Native American monitors be present for ground-disturbing activities and that the Tribe be kept informed of new developments such as inadvertent discoveries.

On January 30, 2019, the Lead Agency sent a letter to eight tribes (Barona, Campo, Jamul, Kwaaymii, Manzanita, Santa Ysabel, Sycuan, and Viejas) inviting them to consult on the Project. To date, four tribes (Jamul, Manzanita, Santa Ysabel, and Viejas) have requested consultation. Concerns raised during consultation include the presence of TCRs in the surrounding area, the need for a TCP and cumulative analysis, archaeological methods, and Native American monitors. County staff and archaeologists from Dudek subsequently organized a site visit to the Boulder Brush Facilities lands for consultation (simultaneously with a consultation meeting for a separate project located within the Boulder Brush Boundary). Individuals representing the Campo Band of Mission Indians, the Manzanita Band of Kumeyaay Nation, the Kwaaymii Band of Laguna Indians, and the Jamul Band of Mission Indians were provided information on the cultural resource studies performed to date, the number and types of resources identified, significance evaluations, and other issues.

### Guidelines for the Determination of Significance

For the purposes of this EIR, any of the following would be considered a significant impact to TCRs:

1. The project, as designed, causes a substantial adverse change in the significance of a tribal cultural resource as defined in PRC, Section 21074, as either 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 Public Resources Code 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 Public Resources Code 5024.1. In applying the criteria set forth in subdivision c) of Public Resources Code 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American Tribe.
2. The project proposes activities or uses damaging to tribal cultural resources as defined by the County RPO and fails to preserve those resources.

The significance guidelines listed above have been selected for the following reasons:

The first guideline was selected because CEQA requires that TCRs be evaluated to determine whether or not a proposed action would have a significant effect. Any project that would have an adverse impact (direct, indirect, and/or cumulative) on a significant TCR as defined by these guidelines would be considered to have a significant impact on the environment. The second

guideline was selected because TCRs are protected under the RPO. Any project that would have an adverse impact (direct, indirect, and/or cumulative) on a significant TCR as defined by these guidelines would be considered to have a significant impact on the environment.

### Analysis

Although the County, as Lead Agency under CEQA, is analyzing the Project as a whole, the County's land use jurisdiction is limited to the Boulder Brush Facilities. The BIA has jurisdiction over the Campo Wind Facilities and has prepared an Environmental Impact Statement (EIS) to evaluate Project effects under the National Environmental Policy Act (NEPA). This analysis hereby adopts and incorporates by reference the EIS. In addition, this chapter provides an analysis of Project impacts, both On-Reservation and on private lands, pursuant to the requirements of CEQA and consistent with the County's guidelines.

### Project

TCR impacts occur through the destruction or alteration of a TCR through grading, excavating, trenching, boring, tunneling, or other activity that disturbs or displaces the TCRs. Excavation operations are the most common ways for TCRs to be adversely impacted and can result in the permanent loss of resources. The most extensive excavation impacts are usually associated with grading, where earthmovers are used in combination with bulldozers to rip and transport soil and bedrock. Front-end loaders, track hoes, and trucks can also be used in excavation operations. For this Project, no mass grading is proposed. Smaller amounts of earth are moved during, boring, trenching, and tunneling, and typically the impacts are less extensive. Indirect impacts to TCRs can also occur, including, but not limited to, limiting access to resources, and altering, obscuring or reducing the visual setting of a resource.

The analysis of potential impacts to TCRs resulting from implementation of the Project is based on a review of the County's TCR Maps (County of San Diego 2007, 2011), recent site surveys, the Cultural Resources Report (Appendix E to this EIR), and AB 52 consultation.

The Project's ADI comprises approximately 800 acres within the Campo Corridor (Campo ADI) and approximately 130 acres within the Boulder Brush Corridor (Boulder Brush ADI). In addition to grading, construction activities that would disturb the subsurface include construction of temporary and permanent access roads, installation of the temporary concrete batch plant and laydown yard, construction of concrete foundations for turbines, meteorological towers and gen-tie line pole structures, trenching for underground utilities and the electrical collection system, construction of the collector substation, and construction of the operations and maintenance facility. Construction as part of the Project would rely on disturbed areas to the extent possible. Any new roads would be constructed in a way that minimizes excessive grading and impacts to

road embankments, ditches, and drainages. None of the potentially eligible NHRP resources would be impacted or disturbed by implementation of the Project. As such impacts to TCRs are determined to be less than significant. Additional details regarding resources, eligibility, and Project impacts is provided in Section 2.4 of this EIR.

Based on the Cultural Resources Report conducted for the Project (Appendix E), numerous archaeological resources have been identified, the majority of which are related to the Native American use of the area. Further information regarding the resources is provided in Section 2.4 of this EIR. All identified resources have been evaluated and consultation with the Tribes conducted, both as part of the AB 52 consultation process and the federal Section 106 process. All TCRs within the Boulder Brush APE (CA-SDI-7140, CA-SDI-7151/CA-SDI-7162, and CA-SDI-22581) and within the Campo Wind APE (CA-SDI-8139 and CA-SDI-22596) have been avoided through Project design. In addition, one TCR (P-37-038463) outside of the Boulder Brush APE will also be avoided. However, there is the potential for inadvertent discovery of TCRs previously unknown as a result of the historic and ongoing Tribal use of the Project Area, as well as indirect impacts through increased access to the area. As such, impacts would be **potentially significant (Impact TCR-1/TCR-A)**.

### **Boulder Brush Facilities**

As described above, the Boulder Brush ADI comprises approximately 130 acres within the Boulder Brush Corridor. In addition to grading, construction activities that would disturb the subsurface include construction of temporary and permanent access roads, installation of the gen-tie line pole structures, trenching for underground utilities and the electrical collection system, and construction of the high-voltage substation and switchyard. Construction as part of the Boulder Brush Facilities would rely on existing roads and disturbed areas to the extent possible, and any new roads would be constructed in a way that minimizes excessive grading and impacts to road embankments, ditches, and drainages. None of the potentially eligible NHRP resources would be impacted or disturbed by implementation of the Boulder Brush Facilities. As described above, impacts to TCRs are determined to be less than significant.

Based on the Cultural Resources Report conducted for the Project (Appendix E), numerous archaeological resources have been identified; the majority of which are related to the Native American use of the area. Further information regarding the resources is provided in Section 2.4 of this EIR. All identified resources have been evaluated and consultation with the Tribes conducted, both as part of the AB 52 consultation process and the federal Section 106 process. All TCRs within the Boulder Brush APE (CA-SDI-7140, CA-SDI-7151/CA-SDI-7162, and CA-SDI-22581) have been avoided through Project design. In addition, one TCR (P-37-038463) outside of the Boulder Brush APE would also be avoided. However, there is the potential for inadvertent

discovery of TCRs previously unknown as a result of the historic and ongoing Tribal use of the Project Area, as well as indirect impacts through increased access to the area. As such, impacts would be **potentially significant (Impact TCR-1)**.

### **Campo Wind Facilities**

The BIA has jurisdiction over the Campo Wind Facilities and has prepared an EIS to evaluate the Project effects under NEPA. The EIS analysis determined that effects would be less than significant with the implementation of recommended mitigation measures. The analysis and conclusions contained in the EIS are hereby incorporated by reference in this analysis.

As described above, the Campo ADI comprises approximately 800 acres within the Campo Corridor. In addition to grading, construction activities that would disturb the subsurface include construction of temporary and permanent access roads, installation of the temporary concrete batch plant and laydown yard, construction of concrete foundations for turbines, meteorological towers and gen-tie line pole structures, trenching for underground utilities and the electrical collection system, and construction of the operations and maintenance facility. Construction as part of the Project would rely on existing roads and disturbed areas to the extent possible, and any new roads would be constructed in a way that minimizes excessive grading and impacts to road embankments, ditches, and drainages. None of the potentially eligible NHRP resources would be impacted or disturbed by implementation of the Campo Wind Facilities. As such impacts to TCRs are determined to be less than significant.

Based on the Cultural Resources Report conducted for the Project (Appendix E), numerous archaeological resources have been identified, the majority of which are related to the Native American use of the area. All identified resources have been evaluated and consultation with the Tribes conducted, both as part of the AB 52 consultation process and the federal Section 106 process. All TCRs within the Campo Wind APE (CA-SDI-8139 and CA-SDI-22596) have been avoided through Project design. However, there is the potential for inadvertent discovery of TCRs previously unknown as a result of the historic and ongoing Tribal use of the Project Area, as well as indirect impacts through increased access to the area. As such, impacts would be **potentially significant (Impact TCR-A)**.

#### **2.7.4 Cumulative Impact Analysis**

Cumulative projects are summarized in Table 1-4, Cumulative – Reasonably Foreseeable, Approved, and Pending Projects, in Chapter 1, Project Description, Location, and Environmental Setting, of this EIR. Related projects within this geographic extent are capable of collectively contributing, along with the Project APE, to impacts on prehistoric resources associated with

ancestral Kumeyaay lifestyles. Cumulative projects on state or public lands would be required to comply with Public Resources Code Sections 5097–5097.6 pertaining to impacts to TCRs. Other cumulative projects would be regulated by federal, state, and local regulations, including CEQA and the County Grading Ordinance.

The Project Site is located in an area containing TCRs. All TCRs have been avoided and left in open space through changes in Project design. The use of temporary exclusionary fencing (M-TCR-1) and implementation of a Monitoring and Treatment Plan (M-CR-A) will ensure avoidance and protection of TCRs. Archaeological and tribal monitoring during construction, including evaluation, data recovery, and treatment of inadvertent discoveries (including human remains) (M-TCR-2, M-CR-B and M-CR-C), and avoidance through preservation in place (M-TCR-3) will mitigate potentially significant impacts. Furthermore, access to the Project Site will be restricted and best management practices will be used to maintain the integrity of the constructed facilities, minimizing runoff and other indirect effects. As a result the Project **would not contribute to a cumulatively considerable impact** to TCRs.

### 2.7.5 Significance of Impacts Prior to Mitigation

Based on the analysis above, the Project would have the following **potentially significant impact** prior to mitigation:

**Impact TCR-1/TCR-A:** The Project’s development activities could affect TCRs within 50 feet of the Project ADI or within resource-specific, predetermined buffers, and has the potential to affect undiscovered TCRs, including human remains and archaeological resources that may qualify as TCRs.

### 2.7.6 Mitigation Measures

#### Boulder Brush Facilities

This section discusses mitigation measures as applicable to Project components on County administered lands (Boulder Brush Facilities and Off-Reservation [i.e., anything outside of the Reservation Boundary] improvements).

Implementation of Mitigation Measures (M) **M-TCR-1** (temporary exclusionary fencing), **M-TCR-2** (archaeological and tribal monitoring, evaluation, data recovery and treatment of unanticipated discoveries and human remains), and **M-TCR-3** (avoidance through preservation in place) would mitigate significant impacts to TCRs. These mitigation measures are provided below.

**M-TCR-1 Temporary Fencing.** To prevent inadvertent disturbance of tribal cultural resources (TCRs) within the avoidance areas (preservation in place), temporary fencing shall be installed where resources are located within 50 feet of the Boulder

Brush area of direct impact (ADI). The temporary fencing shall include the following requirements:

- Prior to the commencement of any grading and/or clearing in association with the grading and/or improvement plan, temporary orange construction fencing shall be placed to protect archaeological sites from inadvertent disturbance within the avoidance areas (preservation in place) and the unimpacted portions of sites outside of the Boulder Brush ADI during earth-disturbing activities. Temporary fencing shall be installed prior to the pre-construction meeting and prior to any clearing, grubbing, trenching, grading, or land disturbances; and shall remain for the duration of earth-disturbing activities. The temporary fencing plan shall be prepared in consultation with a County of San Diego (County)-approved archaeologist and the Kumeyaay Native American monitor. The fence shall be installed under the supervision of the County-approved archaeologist prior to commencement of any earth-disturbing activities. The temporary fencing plan shall include the following:
  - Temporary fencing is required in all locations of the Project where proposed grading or clearing is within 50 feet of any archaeological site within avoidance areas (open space) or the unaffected portions of sites outside of the Boulder Brush ADI. The Project archaeologist shall identify the locations where temporary fencing is required.
  - The placement of temporary fencing shall be approved by the County. Upon approval, the temporary fencing shall be installed under the supervision of the Project archaeologist.
  - A signed and stamped statement from a California Registered Engineer, or licensed surveyor shall be submitted to Planning & Development Services for approval. The statement shall identify that temporary fencing has been installed in all required locations where grading or clearing is within 50 feet of an archaeological site or the unaffected portions of sites outside of the Boulder Brush ADI.
  - The fencing shall remain in place until the conclusion of grading activities, after which the fencing shall be removed.
  - Installation of temporary fencing shall require the presence of monitor(s) (archaeological and Kumeyaay Native American).



**M-TCR-2 Archaeological and Tribal Monitoring.** To mitigate for potential impacts to undiscovered, buried tribal cultural resources (TCRs) in the Boulder Brush area of direct impact (ADI), an archaeological and tribal monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego's (County's) Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources and the California Environmental Quality Act (CEQA) and shall include the following requirements:

a. Pre-Construction

- The Boulder Brush Developer shall contract with a County-approved archaeologist to perform archaeological and tribal monitoring. The Project archaeologist shall contract with a Kumeyaay Native American monitor(s) to conduct Native American monitoring for the Project.
- The pre-construction meeting shall be attended by the Project archaeologist and the Kumeyaay Native American monitor(s).

b. Construction

- Monitoring. Both the Project archaeologist and Kumeyaay Native American monitor(s) are to be on site during all earth-disturbing activities. The frequency and location of monitoring of native soils shall be determined by the Project archaeologist in consultation with the Kumeyaay Native American monitor(s). Both the Project archaeologist and the Kumeyaay Native American monitor(s) shall evaluate fill soils to ensure that they are negative for cultural resources.
- Inadvertent Discoveries
  - Both the Project archaeologist and the Kumeyaay Native American monitor(s) 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 Kumeyaay Native American monitor(s), shall determine the significance of discovered resources and whether they constitute a TCR.
  - Construction activities shall be allowed to resume after the County archaeologist has agreed with the significance evaluation.
  - Isolates and non-significant deposits shall be minimally documented in the field. If the isolates and non-significant deposits are not be collected

by the Project archaeologist, the Kumeyaay Native American monitor(s) 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 Kumeyaay Native American monitor(s) 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).

c. Human Remains

- The Property Owner or their representative (Boulder Brush Developer) shall contact the County coroner and the County Planning & Development Services 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. Should the human remains need to be taken off site for evaluation, they shall be accompanied by a Kumeyaay Native American monitor.
- 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 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 California Public Resources Code, Section 5097.98, has been conducted.
- California Public Resources Code, Section 5097.98; CEQA Guidelines, Section 15064.5; and California Health and Safety Code, Section 7050.5, shall be followed in the event that human remains are discovered.
- On the Reservation, the procedures outlined in the Native American Graves Protection and Repatriation Act (NAGPRA) will be followed. The Tribe is the responsible government agency for treatment of human remains under NAGPRA.

## d. Rough Grading

- Upon completion of rough grading, a monitoring report identifying whether resources were encountered shall be prepared. A copy of the monitoring report shall be provided to any culturally affiliated tribe that requests a copy.

## e. Final Grading

- A final report substantiating that earth-disturbing activities are completed and whether cultural resources were encountered shall be prepared. A copy of the final report shall be submitted to the South Coastal Information Center (SCIC) and any culturally affiliated tribe that requests a copy.

## f. Cultural Material Conveyance

The final report shall include the following:

- Evidence that all prehistoric materials have been curated at a San Diego curation facility or tribal curation facility that meets federal standards according to Title 36, Part 79, of the Code of Federal Regulations or alternatively have been repatriated to a culturally affiliated tribe.
- Evidence that historic materials have been curated at a San Diego curation facility that meets federal standards according to Title 36, Part 79, of the Code of Federal Regulations.

**M-TCR-3** Three Resource Protection Ordinance (RPO) significant sites (CA-SDI-7140, CA-SDI-7151/7162, and CA-SDI-22581), are located on unincorporated County of San Diego lands within the Boulder Brush Boundary and contain human remains. The locations of human remains at each site shall be preserved in perpetuity through preservation in place. The entirety of each site will be avoided by the Boulder Brush Facilities.

### Campo Wind Facilities

**M-CR-A, M-CR-B, and M-CR-C** outlined in Section 2.4 of this EIR, are recommended in the EIS and would reduce potential impacts associated with TCRs to less than significant. These measures are recommended mitigation measures in the EIS for the Campo Wind Facilities on the Reservation, subject to the BIA's record of decision. **M-CR-A, M-CR-B, and M-CR-C** outlined in Section 2.4 of this EIR, are included below for reference.

**M-CR-A Monitoring and Treatment Plan.** A post-environmental review cultural resources monitoring and discoveries treatment plan (Monitoring and Treatment Plan) will be prepared prior to the start of construction and shall outline the

specific requirements for monitoring at the conclusion of stakeholder consultation. The Monitoring and Treatment Plan shall clearly identify roles and responsibilities of Project personnel, and lines of communication and authority for reporting and management. The Monitoring and Treatment Plan shall include the procedures to be followed when construction results in an inadvertent discovery including work stoppage, protection of the discovery to allow for inspection by a qualified archaeologist, significance evaluation if the resource is not an isolated find, coordination with the Bureau of Indian Affairs (BIA) and Developer to attempt avoidance of further effects if the resource is found to be significant, and the procedures for data recovery mitigation if avoidance is not feasible. The Monitoring and Treatment Plan shall be prepared by the Developer's Secretary of the Interior-qualified archaeologist and submitted to the BIA for review and approval prior to the start of construction.

**M-CR-B Archaeological and Native American Monitoring.** It is anticipated that monitoring will be required for all primary ground disturbance and for extended excavations when construction encroaches on historic properties that are avoided but are near to ground-disturbing activities, and at those locations where sensitive remains or significant deposits are more likely to be unearthed during construction-related ground disturbance.

Ground-disturbing activities include, but are not limited to, brush clearance, grubbing, excavation, trenching, grading, and drilling. Any archaeological monitors shall be qualified archaeologists or work under the direct supervision of a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's standards for professional archaeology, and shall be approved by the Bureau of Indian Affairs (BIA). The monitors shall be familiar with the types of historical and prehistoric resources that could be encountered on the Project Site.

The archaeological monitors shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. The archaeological monitors shall be present on the Project Site according to a schedule as detailed in the Monitoring and Treatment Plan and shall maintain a daily log of activities, which will be appended to a final monitoring report that shall be submitted to the BIA and South Coastal Information Center at the conclusion of monitoring. Specific monitoring reporting procedures shall be detailed in the Monitoring and Treatment Plan.

In the event of inadvertent discovery of human remains, all work shall immediately be halted within a 100-foot radius and temporary protective measures shall be implemented. The Developer shall immediately contact the Tribe, and follow the Native American Graves Protection and Repatriation Act (NAGPRA) plan of action provided in the Monitoring and Treatment Plan. The NAGPRA plan of action will minimally include coordination with the San Diego County Coroner (Coroner) for formal determination of the remains. If the Coroner determines that the remains are Native American, the Coroner shall contact the Native American Heritage Commission, in accordance with California Health and Safety Code, Section 7050.5c, and California Public Resources Code, Section 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission shall coordinate with the Tribe to identify a Most Likely Descendant for the remains per California Public Resources Code, Section 5097.98, unless the Tribe has already made such a determination. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et seq.) directing identification of the next of kin will apply.

**M-CR-C Significance Evaluation and Data Recovery.** Requirements for treatment of inadvertent discoveries that occur during construction, operation and maintenance, and decommissioning, shall be detailed in the Monitoring and Treatment Plan (M-CR-D), and shall minimally include stoppage of all activity within 100 feet of the find until a qualified archaeologist can assess the significance of the find. The Bureau of Indian Affairs (BIA) shall also be contacted. If the qualified archaeologist, in consultation with the BIA, determines the resource is significant (i.e., qualifies as a historic property), then the archaeologist shall determine appropriate avoidance measures or other appropriate mitigation. Preservation in place shall be the preferred manner of mitigation to avoid effects on significant cultural resources. If it is demonstrated that resources cannot be feasibly avoided, the qualified archaeologist shall implement the provisions for mitigation detailed in the Monitoring and Treatment Plan. Work shall not resume within 100 feet of the discovery until permission is received from the BIA.

Where preservation in place of a significant archaeological resource is not feasible, a qualified archaeologist, in consultation with the BIA, and the Developer shall complete archaeological data recovery. The standard for completion of data recovery may vary for individual archaeological sites, but is understood herein to be collection of a statistically representative sample of the archaeological deposits such that data redundancy is achieved and the unique properties of the

archaeological sites are addressed. Implementation of data recovery mitigation shall include the following steps:

1. The Monitoring and Treatment Plan (M-CR-D) will include a research design and archaeological data recovery plan prior to ground disturbance for the recovery of resources in unavoidable sites that will capture those categories of data for which the site is significant, and implement the data recovery plan.
2. The data recovery phase shall focus on recovering archaeological data sufficient to mitigate the destruction of a portion of the site or the entire site within the area of direct impacts.
3. If, in the opinion of the qualified archaeologist and in light of the data available, the significance of the site is such that data recovery cannot capture the values that qualify the site for inclusion on the National Register of Historic Places (NRHP), the Developer shall reconsider Project plans in light of the high value of the cultural resource, and implement more substantial modifications to the proposed Project that shall allow the site to be preserved intact, such as Project redesign or capping the site with fill soil.
4. Standard archaeological collection and/or excavation units may be used, with methods consistent with those employed during previous investigations in the region. Following completion of the excavations, all cultural materials shall be washed, cataloged, and analyzed. Technical analyses may include artifact analysis, radiocarbon dating, obsidian hydration, pollen and protein residue, and other analyses as needed to describe the cultural materials and archaeological deposits. A data recovery report shall be prepared and filed with the BIA and the South Coastal Information Center.
5. The Developer shall provide for the permanent curation of recovered materials during construction at a federally recognized archaeological repository, such as the San Diego Archaeological Center or the Imperial Valley Desert Museum.

For archaeological sites considered significant and eligible for NRHP listing that can be avoided, reasonable protective measures shall be provided, including protective fencing around an avoided resource with an appropriate buffer, silt fencing to avoid indirect effects through Project-related runoff, and other measures as applicable. In certain instances, avoidance through capping using sterile fill matrix, use of rubber mats, or other measures may be deemed appropriate to achieve avoidance.

### 2.7.7 Conclusion

Impacts to TCRs would be mitigated to less than significant through implementation of **M-TCR-1** (temporary exclusionary fencing) and **M-CR-A** (Monitoring and Treatment Plan), **M-TCR-2 and M-CR-C** (archaeological and tribal monitoring, evaluation, data recovery and treatment of unanticipated discoveries and human remains), and **M-TCR-3** (avoidance through preservation in place).

The County would condition the Boulder Brush Facilities to implement the mitigation measures described in Section 2.7.6 above. As Lead Agency for the Project under CEQA, the County would recommend to the BIA that the Project also be required to implement these mitigation measures on the Reservation.

Additionally, **M-CR-A**, **M-CR-B**, and **M-CR-C** recommended in the EIS would reduce potential impacts associated with TCRs On-Reservation to less than significant with implementation of a monitoring and treatment plan, Native American monitoring, and evaluation of any discoveries. As previously stated, **M-CR-A**, **M-CR-B**, and **M-CR-C** are recommended mitigation measures in the EIS for the Campo Wind Facilities, subject to the BIA's record of decision.

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SOURCE: SANGIS 2017

**DUDEK**



0 2,550 5,100 Feet

**Figure 2.7-1**  
**Area of Potential Effects**  
Campo Wind Project with Boulder Brush Facilities



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