

From: [IV Desert Museum](#)
To: [Harris, Susan](#)
Cc: [Koutoufidis, Nicholas](#)
Subject: IVDM Comments on Draft EIR (JVR Energy Park PSD2018-MUP-18-022)
Date: Sunday, December 06, 2020 1:35:08 PM
Attachments: [IVDM Comments to JVR draft EIR -- 12-3-20 -- FINAL DRAFT.pdf](#)

Good afternoon Ms. Harris,

Imperial Valley Desert Museum would like to submit to you its comments on the Draft EIR for the proposed JVR Energy Park project in Jacumba Valley, located in Eastern San Diego County.

Please find those comments attached below so that they may be considered and acted upon as deemed fit by SDC Planning & Development Services, prior to its approval of the Draft EIR and Major Use Permit.

The Imperial Valley Desert Museum Society, Inc. is a registered 501(c)(3) nonprofit, which operates the Imperial Valley Desert Museum (IVDM), a museum and curation facility housing federal collections, located at 11 W. Frontage Rd., Ocotillo, CA 92259 and only 17 miles from the proposed project ADI. Its mission is to preserve, interpret, and celebrate the deserts of Southern California through outstanding research, collections, and educational programs.

Thank you very much for your time and consideration. I am available by phone or email to answer any outstanding questions or concerns you might have.

Best regards,

David

Dr. David Breeckner
Executive Director



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info@ivdesertmuseum.org
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December 3, 2020

Susan Harris
County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: JVR Energy Park draft EIR (PDS2018-MUP-18-022)

To whom it may concern,

The Imperial Valley Desert Museum Society, Inc. is a registered 501(c)(3) nonprofit, which operates the Imperial Valley Desert Museum (IVDM), a museum and curation facility housing federal collections, located at 11 W. Frontage Rd., Ocotillo, CA 92259. Its mission is to preserve, interpret, and celebrate the deserts of Southern California through outstanding research, collections, and educational programs. Its collection of over 30,000 artifacts from across Imperial and east San Diego counties evidence the science of the ever-changing landscape, the history and culture of its earliest indigenous inhabitants, and the story of their movement and adaptation to life within it.

IVDM is an active member in the Jacumba community and across eastern San Diego County. It is located only 17 miles from the town of Jacumba, and is the region's only cultural and 36 CFR 79 curation facility. Imperial Valley Desert Museum serves as a community partner, providing educational and cultural content and programming for the region's citizens, schools, private businesses, public gatherings and festivals, and the local Kumeyaay bands and pan-Tribal organizations.

Imperial Valley Desert Museum is acutely aware of the proposed JVR solar development and its scope of work in the township of Jacumba, and remains an active participant in the project's ongoing consideration and deliberation. Since the publication of the draft EIR notice on October 8, 2020, IVDM has been in frequent communication with officers from the County of San Diego, Dudek Consulting, and BayWa r.e. The purpose of these meetings has been to discuss, explore, and resolve any outstanding concerns surrounding the treatment of cultural resources in advance of the conclusion of the Draft EIR public comment period.

1. Concerns

The concerns held by IVDM pertain to the methodology and conclusions of the survey work performed to-date, stewardship plans for those cultural materials recovered during the project, and mitigating the loss of the natural and cultural landscape within the proposed project ADI.

Specifically:

1. Inadequate consideration and survey methodology had been previously demonstrated and given by Dudek (in deference to regional comparanda, i.e. Eco Substation) in assessing the likelihood of subsurface finds within the project ADI.

This was most notable within the area of the proposed substation and switchyard, whose installation will require disturbance of the substrate. **(Resolved)**

2. Inadequate consideration has been given in the identification and designation of a qualifying regional curation facility to receive recovered cultural materials. **(Action needed)**
3. Inadequate assurances have been made within the language of the Draft EIR to ensure that the digital documentation and records of archaeological sites and isolates within the project ADI will travel with and remain associated with their curated materials. **(Additional language required)**
4. No consideration had been given to ensure that the cultural heritage recorded and removed from the project ADI – and its subsequent analysis and interpretation – be made accessible for study, engagement, and celebration by the region's Native and non-Native communities. **(Resolved)**

2. Resolution and Further Action Required

Following talks with the above-stated organizations and their representatives, additional measures were proposed and/or have since been implemented to effectively address many of these earlier concerns.

Specifically:

1. A second site survey was conducted within the project ADI in the area of the proposed substation and switchyard. This survey was conducted on Tuesday, November 17 (11/17/20) by Dudek Consulting at the request of Imperial Valley Desert Museum, and was performed using a mobile ground-penetrating radar (GPR) unit. This second survey was executed to meet the standards, techniques, and practices employed during construction of the nearby Eco Substation project, which successfully identified stone hearths and fire pits up to 21 ft below the surface.

Across the 8 hours spent on-site in survey, the GPR was able to successfully read and display the subsurface to a depth of between 9 to 13 ft. This depth operates within the stated range of planned ground disturbance during construction, in which drilling is expected to extend between 10 to 15 ft. This second survey did identify two small subsurface anomalies but a full analysis of the results afterward returned negative results of their possible cultural attribution. The Dudek representative was joined by representatives of Imperial Valley Desert Museum, the Campo, Manzanita, and Viejas bands of the Kumeyaay Nation, and a Tribal monitor. The monitor, Frank Salazar III, did identify and flag several additional surface deposits of possible flaking stations and artifact isolates in the area of the substation and switchyard. These flags were recorded by the Dudek technician for later review.

By the conclusion of the day, the Dudek representative had been able to complete his extended survey of roughly 70% of the substation-switchyard area. IVDM is in talks with Dudek to finish this survey and ensure that a full review of the impacted areas is enacted.

Although still awaiting completion, as a result of this second site survey, BayWa r.e. and Dudek Consulting were able to satisfy outstanding concerns on their assessment and identification of cultural resources – surface and subsurface – which might be impacted by this project. Their application of technology and techniques which had seen successful implementation at the nearby Eco Substation in determining subsurface finds – and the subsequent negative results of that testing – validates their earlier assertions on the likelihood of federal subsurface finds and supports their planned disturbance of the substrate in that area.

As a final preventative measure, both BayWa r.e. and Dudek have a stated commitment within the Draft EIR (2.4.31-32) to ensure the on-site presence of Tribal monitors across the project's construction period. This assurance will ensure that – facing the possible discovery of new cultural materials, sites, or isolates – a trained representative of the Kumeyaay people will be present to oversee its handling and respectful treatment and preservation.

Status: Resolved

2. The Draft EIR proposes that any archaeological materials removed and recovered from the project site be curated at either “a facility within [San Diego] County or with an affiliated tribal curation facility. Alternatively, the collections may be repatriated to a tribe of appropriate affiliation” (2.4.29, 2.4.35-36).

This language should be amended to read:

“A facility within San Diego **or Imperial** County or with an affiliated tribal curation facility.”

Additional consideration must be given to alternative, regional curation facilities which meet and comply with federal curation standards – including those existing outside of the County's borders.

The geographic proximity of a curation facility to the project site and the region's represented and impacted communities must be additional factors for consideration in the designation of a curation facility for artifact collections. Cultural materials should remain associated with their region, and every effort should be made to ensure that regional collections are **not** split between different institutions. This recommended policy change affords the impacted communities greater access to their cultural collections and new opportunities for local enrichment, whilst also avoiding any claims of cultural disenfranchisement which could otherwise be levied.

After identification of any such facility, that facility should be subject to the approval of the consulting tribes – Campo, Jamul, Manzanita, Viejas (2.4.6) – prior to the award of a curation contract. In addition, special consideration should be given to ensure Kumeyaay ease of access to the curation facility for all removed materials, as likewise with those fenced and protected culture sites within the project site.

Imperial Valley Desert Museum is located only 17 miles from the project ADI. It is a 36 CFR 79 curation facility which currently stewards and curates multiple local, state, and federal collections. It enjoys Tribal support from among the bands of the

Kumeyaay nation as a designated curation facility, and currently curates multiple collections from the Jacumba and eastern San Diego County region.

Status: Additional language required in EIR

3. IVDM seeks additional language which will obligate – as future standard practice within the County of San Diego – that all curated collections be accompanied by all digital archaeological site and monitoring data, records, and reports during their transfer to a designated and qualifying curation facility.

In the instance of this current Draft EIR, this would obligate Dudek Consulting to provide digital copies of its site survey field notes, maps and charts, and reports to the designated facility alongside the curated collection(s). This action would prevent the disassociation of object and place, and ensure that the receiving institution retains a full account of not only the cultural materials received but also the complete record of their archaeological and situational context.

In discussions held between IVDM and Dudek, Dudek representatives have already voiced their support for this measure, and agree that all digital documentation and recordings of the archaeological site records will travel with and remain associated with their curated materials.

Status: Additional language required in EIR

4. The closure and development of the affected lands within the JVR project ADI would result in the destruction of multiple archaeological sites and isolates of a “not significant” nature. Although the artifacts of these sites will be removed and preserved, this will nevertheless result in the loss of the archaeological context and cultural landscape which inform their placement, use, and interpretation. It is not simply enough to plan to store and preserve recovered “artifact collections.” In order to best mitigate and resolve this loss and disassociation, it is essential that a coordinated plan for education and outreach be developed and approved prior to the project's implementation.

There exists within this project the opportunity to share and cultivate a deeper understanding of the knowledge and history of the area with new audiences and across generations. This may be accomplished by dedicating funds toward cultural education and engagement. It is through this that current and future generations of Californians may access and experience the history and cultural resources of the Jacumba Valley region.

Working directly with BayWa r.e., Imperial Valley Desert Museum has developed a strategic plan to introduce new exhibit and learning curricula which would make these lessons and knowledge accessible to visitors from across Southern California.

IVDM has established itself as a community resource for education and outreach. It enjoys strong community ties in Mountain Empire Unified School District, among the various bands of the Kumeyaay nation and their pan-Tribal organizations, and in the town of Jacumba itself. The Museum's programs and content include permanent exhibits in its building, student internships, in-building Field Trips, in-classroom

History-on-the-Go traveling field trips, an online video learning series, and regular participation in local festivals and fairs. IVDM is a proven community resource committed to preserving, making accessible, and celebrating the history and heritage of the region's First Peoples.

BayWa r.e. supports IVDM as a beneficiary of community resource funds in support of its public outreach and education programming, to ensure that the knowledge and heritage of the past remain accessible and celebrated for years to come.

Status: Resolved

3. Conclusions

Imperial Valley Desert Museum recognizes the challenges inherent to development projects in eastern San Diego County. The region in question is rich with history, while the often remote nature of the development site means that these locations often provide an uninterrupted glimpse into the distant past. Natural landscapes provide an unique opportunity to understand and appreciate the context and native setting for the material culture and heritage still scattered across – and below – its extent.

It is a difficult line to walk between respecting the landscape and preserving the past, while ensuring security and growth in the future. But the former cannot be readily or handily sacrificed for the latter. In considering the cultural impact to the proposed scope of work, there must be a clear solution already in mind to support preservation, conservation, education, and cultural efforts which minimize and mitigate that loss.

Eastern San Diego County contains some of the best surviving and earliest examples of human activity in the Americas. It is an incredibly rich and unique region in that regard, as it is still possible to effectively observe and study that history in the virgin context of where it took place. The JVR Energy Park project drastically changes the face of that native landscape of the Jacumba Valley and would see the destruction and loss of multiple archaeological sites and isolates. It would further require the removal and off-site curation of the surviving material culture initially found within it.

Looking ahead, it is essential that any cultural materials discovered and removed from the project site must be cared for in such a way that they remain close to their original location, remain accessible to the Kumeyaay people, and that any new insights gained as a result of the JVR project be made available through new educational and outreach opportunities.

Since the publication of the Draft EIR comment notice, BayWa r.e. and Dudek Consulting have worked closely with private, public, and Tribal persons and organizations to address the impacts of this project on that cultural record. Subsequent measures and steps have been taken and are proposed to mitigate those damages. These would ensure that proper attention and care is given to the survey, study, and public access and celebration of its cultural materials and their legacy.

The role of IVDM in these communities is to make that history accessible. We are the only local resource to effectively and professionally steward and manage collections and to share their story and place in the region -- both as it once was and what it has become. Our responsibility is to provide an outlet and voice both for this history, tradition, and

culture in its preservation. This includes ensuring that there is an effective plan for their care and management: looking out for the future generations who would otherwise lose access to their appreciation and understanding, and innovating new ways to otherwise provide for that experience.

IVDM requests that you please critically review the projected cultural impact to the proposed works, the County's formal language which defines qualifying institutions for the curation of removed cultural materials, and that you consider us as an ongoing available resource in the coming months and years.

If you have further questions, please do not hesitate to contact the museum at info@ivdesertmuseum.org or (760) 358-7016.

Sincerely,

A handwritten signature in black ink, appearing to read "David Breeckner", with a stylized, sweeping flourish at the end.

Dr. David Breeckner
Executive Director, Imperial Valley Desert Museum