

From: [Beddow, Donna](#)
To: [Johnny Elliot](#); mhale@dudek.com; patrick.brown@baywa-re.com
Cc: [Angela Santos](#); [Lisa Haws](#); [Veronica Santos](#); [Koutoufidis, Nicholas](#)
Subject: RE: JVR Energy Park PDS2018-MUP-18-022
Date: Thursday, February 25, 2021 11:24:21 AM

Mr. Elliott:

Our responses to your communication are provided below.

Sincerely,

Donna Beddow
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123
(858) 694-3656

For local information and daily updates on COVID-19, please visit www.coronavirus-sd.com. To receive updates via text, send COSD COVID19 to 468-311.

-----Original Message-----

From: Johnny Elliot <johnny@eagle-spirit.us>
Sent: Monday, November 16, 2020 12:10 PM
To: mhale@dudek.com; Beddow, Donna <Donna.Beddow@sdcounty.ca.gov>; patrick.brown@baywa-re.com
Cc: Angela Santos <aelliottsantos7@aol.com>; Johnny Elliot <johnny@eagle-spirit.us>; Lisa Haws <lisahaws@msn.com>; Veronica Santos <nativespirit91@aol.com>
Subject: JVR Energy Park PDS2018-MUP-18-022

Good Morning All,

I am writing to you all this morning to share a few concerns on the JVR project.

1. As one of the closest Tribes to the project area and as a Tribe who has Tribal Members who's clan trace back directly to the Jacumba Valley, including myself, we demand Government to Government consultation immediately! You know that the Manzanita Tribe is very concerned with protecting Kumeyaay cultural resources in our Traditional Homelands. The County's process and protocols on consultation and protection of cultural resources are severely inadequate and do not actually address the spirit of state and federal laws and the working relationship and lack thereof with the Tribes of San Diego County.

County Response: Government-to-Government consultation was initiated on January 31, 2019 for purposes of AB-52 and SB-18 consultation. Although the certified letter was dated January 31, 2019, the letter was mailed on February 5, 2019; therefore, the due date to request AB-52 consultation was March 14, 2019, and to request SB-18 consultation was May 6, 2019. The Manzanita Band requested formal consultation on May 3, 2019. The Manzanita Band missed the deadline (March 14, 2019) to request AB-52 consultation but did meet the deadline (May 6, 2019) to request SB-18 consultation. County staff requested meeting dates with the Manzanita Band on January 7, 2020, February 25, 2020, and on April 27, 2020. Emails were sent to Lisa Haws, THPO for the Manzanita Band, and Chairperson Angela Elliott-Santos. No responses were received by the County, and consultation was concluded on May 27, 2020 due to a lack of response. The County has consulted with the Manzanita Band in good faith and according to the California regulations (AB-52).

2. Manzanita is preparing a comment letter addressing many of the inadequacies of the Environmental Documents,

our concerns with the protection, avoidance, recording, collecting and curating of the resources and archeology and project development.

County Response: Comment noted.

3. I have been informed that there are surveys that will take place this week and I want to know what Tribes are sending Kumeyaay Monitors? All surveys should have Kumeyaay monitors that are endorsed by a Kumeyaay Tribe. Kumeyaay monitors should be included in all ground disturbing activities before, during and for maintenance of the project. In addition there is a very high probability for subsurface discoveries for which we are very concerned

County Response: Mitigation measure M-CR-2 requires implementation of an Archaeological Program that requires that both a County-approved archaeologist, and a Kumeyaay Native American monitor be contracted. The approval of the Project Archaeologist is under the jurisdiction of the County of San Diego. As such, approval by the Manzanita Band is not a requirement. Standard practice is that any information requested by the Kumeyaay Native American monitor is provided to them. Kumeyaay Native American monitors have participated in all surveys. Justin Linton, Tushon Phoenix, Shuuluk Linton, and Daniel “Bobo” Linton of Red Tail Monitoring and Research, Inc. provided Kumeyaay Native American monitoring services during the Project surveys and site evaluations. In addition, during the ground-penetrating radar survey of the substation and switchyard, Frank Salazar III provided Kumeyaay Native American monitoring services. Furthermore, representatives from the Campo, Manzanita, and Viejas Bands were also present.

During the operational phase, the Project would not have any full-time personnel on site but may include up to five people onsite during operations inspections, maintenance, and repair activities on an as-needed basis. Vehicular activity within the Project site would be limited to the internal access that would be constructed to a minimum improved width of 20- and 24-feet and would be designed and maintained to provide all-weather driving capabilities. As such, it is not expected that there would be impacts from vehicular activity during operation activities. In addition, the entire Project ADI would be fully graded. Therefore, the potential for impacts to cultural resources during the operational phase within the Project site is not anticipated.

4. From the map I was shown there are so many concerns that I’m surprised that the company wishes to develop. There are two sacred mountains with in the project map, these area will have to be taken out of the area of impact at least 1000 feet from the base of theses sacred places. In addition it is well known to the County that the Jacumba Valley has so much buried cultural resources that even water lines can not be dug or maintained without disturbing and destroying these resources. We will not accept the destruction of these areas.

County Response: The archaeological consultant is aware of two culturally significant mountains adjacent to the Project area, the locations. The Proposed Project’s area of direct impact is located more than 1,000 feet from one of these mountains. The other culturally significant mountain is located immediately adjacent to the Proposed Project area. Though within 1,000 feet of the base of the mountain, this portion of the Proposed Project area has been previously disturbed by agricultural and industrial activity. The Proposed Project will not further impact the mountain and all developments will be limited to the valley floor in these areas. Further, the archaeological consultant conducted archaeological surveys that included a Kumeyaay Tribal monitor of these areas and did not identify significant cultural resources (please refer to Chapter 4.1, Methods, and Chapter 5.1, Inventory Results, of Appendix E to the Draft EIR). Concerning the potential of impacting buried cultural resources, Mitigation measure M-CR-2 requires implementation of an Archaeological Program that requires that both a County-approved archaeologist, and a Kumeyaay Native American monitor be contracted. Specifically, the archaeological monitoring program provides the opportunity to identify resources during ground-disturbing activities, and the Cultural Resources Treatment and Preservation Plan provides measures for the treatment of identified resource.

5. Manzanita is requiring sincere and meaningful mitigation on this project.

County Response: The mitigation provided in the Draft EIR is meaningful and would reduce cultural and tribal cultural resource impacts to less than significant in accordance with State and local regulations.

6. The Manzanita Band requests copies of the confidential site records and any studies, preliminary or draft, immediately.

County Response: the Manzanita Band was provided with electronic files of the Cultural Resources Report including confidential appendices to the report in January 2021 .

Although consultation is concluded, the County would like to meet with you as a stakeholder to discuss your concerns. Please let us know what days and times you are available to Nick Koutoufidis at nicholas.koutoufidis@sdcounty.ca.gov.

I look forward to receiving a response as soon as possible.

Johnny EagleSpirit Elliott

Manzanita Band of the Kumeyaay Nation