

2.6 Cultural and Paleontological Resources

This section analyzes and evaluates the potential impacts of the Cannabis Program on cultural and paleontological resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include prehistoric resources and historic-period resources. Archaeological resources are locations where human activity has altered the earth or left deposits of prehistoric (e.g., precontact) or historic-period (e.g., historic era) physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Paleontological resources include the remains and traces of prehistoric life (exclusive of human remains, artifacts, or features), including the localities where fossils were collected and the sedimentary rock formations in which they were formed.

No comment letters regarding cultural or paleontological resources were received in response to the notice of preparation (NOP) or during the scoping meeting. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.6.1.

Table 2.6.1 Cultural and Paleontological Resources Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Cause a Substantial Adverse Change in the Significance of a Historical Resource	Alternatives 1–5: Significant	Alternatives 1–5: Significant	Alternatives 1–5: Less than Significant
2	Cause a Substantial Adverse Change in the Significance of an Archaeological Resource	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
3	Directly or Indirectly Destroy a Unique Paleontological Resource	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
4	Disturb Any Human Remains	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant

2.6.1 Existing Conditions

The San Diego County General Plan Update EIR setting section for cultural resources includes a detailed discussion of the precontact, historical, and paleontological settings of San Diego County (County of San Diego 2011a: 2.5-1 through 2.5-5). This section presents a brief summary of those discussions, as well as cultural resources records searches conducted in

2024. The existing conditions and the information provided below addresses the county as a whole and does not specifically differentiate between incorporated and unincorporated unless otherwise noted.

2.6.1.1 Regional Prehistory

The body of current research of Native American (precontact) occupation in San Diego County recognizes the existence of at least 2 major cultural traditions, discussed here as Early Period/Archaic (precontact history) and Late Period (historic era history), based upon general economic trends and material culture. In San Diego County, the Early Period/Archaic includes the period from 10,000 to 1,300 years ago, while the Late Period is from 1,300 years ago to historic Spanish contact (contact). The Post-Contact/Historic Period covers the time from Spanish contact to present.

Terminology used for the past 10,000-year history of San Diego County includes a mixture of ideas of ordering archaeological sites using terms for peoples, collections of artifacts, and temporal time frames. The first ordering was by Malcolm Rogers, who used the terms: “Shell-Midden people,” “Scraper-Maker culture (scraper-makers),” and “Yuman.” He later revised his chronology to use the terms “La Jolla culture (shell-midden people),” “San Dieguito (scraper-maker),” and “Yuman.” Claude Warren characterized the San Dieguito Tradition as including a wide range of scraper types made on side-struck flakes and finished by well-controlled percussion flaking, leaf-shaped knives, or large points of several varieties: leaf-shaped, lanceolate, and slightly shouldered points in small number. Chipped stone crescents, often eccentric in form, hammerstones, and flaked tools are few in number. Milling stones and manos were not present. Warren’s revision to Rogers’s La Jolla culture, called the Encinitas Tradition, identifies the majority of flaked stone tools being percussion flaked and made from local macrocrystalline rock and a large percentage of the tool assemblage composed of chopping, scraping, and cutting tools and hammerstones. Projectile points are rare and rather large, suggesting the use of darts, rather than bow and arrow. Ground stone items include large numbers of manos and milling stones usually shaped through use and occasional items, such as doughnut stones, discs, and cogstones. Bone tools are rare but include awls, antler flakers, and beads. Shell items are also limited but include beads and pendants. Basketry is represented. Loosely flexed burials are found throughout the area. Warren has more recently updated his chronology for the San Dieguito Tradition (initial occupation), has since included milling tools and a wider range of tools and food sources, and now discusses the potential of transitional and intermediate stages of occupation to cover the past 10,000 years of Native American occupation in San Diego County.

Early Period/Archaic

The Early Period/Archaic includes the San Dieguito, La Jolla, and Pauma complexes, which are poorly defined, as are the interrelationships between contemporaneous inland, desert, and coastal assemblages. Initially believed to represent big game hunters, the San Dieguito people are better typified as a hunting and gathering society. These people had a relatively diverse and nonspecialized economy wherein relatively mobile bands accessed and used a wide range of plant, animal, and lithic (stone) resources. Movement of early groups from the California desert may have been spurred by the gradual desiccation of the vast pluvial lake system that dominated inland basins and valleys during the early to middle Holocene. This hypothesis is supported by the similarity between Great Basin assemblages and those of Early

Holocene Archaic sites in San Diego County. Several researchers recognized the regional similarity of artifacts and grouped these contemporaneous complexes under the nomenclature of either the Western Pluvial Lakes Tradition or the Western Lithic Co-Tradition.

Early migrations into San Diego County may have come from the north. Recent work on the northern Channel Islands near Santa Barbara demonstrates island occupation dating back to the terminal Pleistocene, roughly 13,000 years ago. At this early date, a fully maritime-adapted population exploited shellfish and used seaworthy boats to ply channel waters. Fish were captured using bone gorges 10,000 years ago. Such early dates are lacking for the adjacent Santa Barbara mainland, presumably because the rise in sea level brought about by post-Pleistocene deglaciation would have inundated sites along the late Pleistocene/early Holocene coastlines. At this time in San Diego County, the shoreline stood 2 to 6 kilometers farther seaward than today's coast. Therefore, any evidence for early coastal adaptation coeval with that of the northern Channel Islands may have been destroyed in this 2- to 6-kilometer paleo shoreline area by sea encroachment thousands of years ago.

The origin of coastal populations in San Diego County and subsequent interaction between these populations and Great Basin/desert groups is a subject of some debate. Whether they migrated into San Diego County from the coast or inland, the first occupants immediately exploited coastal and inland resources of plants, animals, shellfish, and fish.

The development of a generalized economic system indicates that the initial occupation, referred to here as San Dieguito, can be placed within the general Archaic pattern. Archaic cultures occurred in North America at slightly different times in different areas but are generally correlated with local economic specialization growing out of the earlier Paleo-Indian Tradition. Archaic cultures are often represented by more diverse artifact assemblages and more complex regional variation than Paleo-Indian traditions. This is generally thought to have resulted from the gradual shift away from a herd-based hunting focus to a more diverse and area-specific economy.

Early Period/Archaic sites from 10,000 to 1,300 years ago in San Diego County include a range of sites that consist of coastal and inland valley habitation sites, inland hunting and milling camps, and quarry sites, usually in association with fine-grain metavolcanic material. Material culture assemblages during this long period are remarkably similar in many respects. These deposits may well represent a process of relative terrestrial economic stability and presumably slow cultural change. Although various cultural traits developed or disappeared during the long span of 10,000 to 1,300 years ago, there is a clear pattern of cultural continuity during this period.

Late Period

During the Late Period (circa 1,300 years ago to historic contact) a material culture pattern similar to that of historic Native Americans first became apparent in the archaeological record. The economic pattern during this period appears to be one of more intensive and efficient exploitation of local resources. The prosperity of these highly refined economic patterns is well evidenced by the numerous Kumeyaay/Diegueño and Luiseño habitation sites scattered throughout San Diego County. This increase in Late Period site density probably reflects both better preservation of the more recent archaeological record and a gradual population increase in the region. Kumeyaay artifacts and cultural patterns reflecting this Late Period pattern include small projectile points, pottery, the establishment of permanent or semipermanent

seasonal village sites, a proliferation of acorn milling sites in the uplands, the presence of obsidian from the Imperial Valley source of Obsidian Butte, and interment by cremation.

Luiseño occupation in northern San Diego County during the late Holocene has been viewed as an occupation that migrated from the desert to the coast, an incursion called “the Shoshonean Wedge.” Late Period culture patterns were shared with groups along the northern and eastern periphery of San Diego County, incorporating many elements of their neighbors’ culture into their own cultures. This transference and melding of cultural traits between neighboring groups makes positive association of archaeological deposits with particular ethnographically known cultures difficult. This is particularly true of the groups in San Diego County. Although significant differences exist between Luiseño and Kumeyaay/Diegueño cultures (including linguistic stock), the long interaction of these groups during the Late Period resulted in the exchange of many social patterns.

2.6.1.2 *Ethnohistoric Setting*

The Kumeyaay, referred to as Diegueño by the Spanish, were the original native inhabitants of San Diego County. The Kumeyaay who are Yuman-speaking people of Hokan stock, have lived in this region for more than 10,000 years. Historically, the Kumeyaay were horticulturists and hunters and gatherers (Viejas 2024).

The Kumeyaay Native Americans were a seasonal hunting and gathering people with cultural elements that were very distinct from the Luiseño people. Noted variations in material culture include cremation, the use of the bow and arrow, and adaptation to use of the acorn as a main food staple. Along the coast, the Kumeyaay made use of marine resources by fishing and collecting shellfish for food. Game and seasonally available plant food resources (including acorns) were sources of nourishment for the Kumeyaay. By far, though, the most important food resource for these people was the acorn. The acorn represented a storable surplus, which in turn allowed for seasonal sedentism and its attendant expansion of social phenomena (Smith and Conroy 2022).

The Luiseño people enjoyed life in a land rich with a variety of plants and animals. Women gathered seeds, roots, wild berries, acorns, wild grapes, strawberries, wild onions, and prickly pear in finely woven baskets. They made a tasty ground acorn mush, “*wiiwish*,” a staple food, high in protein. The men hunted deer, rabbits, wood rats, ducks, quail, seafood, and various insects. Hunters used bows and arrows, atlatls or spear throwers, rabbit sticks, traps, nets, and slings to catch the game. Fishermen and traders used tule reed canoes in the ocean and tule rafts in the rivers or lakes. Family groups had specific hunting and gathering areas in the mountains and along the coast and the boundaries of these areas were crossed only with permission (Native Talk n.d.).

The traditional territory of the Luiseño people extended along the coast, from the north near San Juan Capistrano, south to the Encinitas/Carlsbad area, and east to the valleys of the coastal mountains and Mount Palomar. Today this area is in northern San Diego, Riverside, and Orange counties. The Uto-Aztecan language that the Luiseños speak, Chamtéela, is vibrant and complex. In Chamtéela, some of the names the Luiseño people use for themselves are *Payómkawichum* (people of the west), ‘*atáaxum* (the people), and *Qéchnkawish* (people originating in or residents of San Luis Rey) (Native Talk n.d.).

The people lived in small villages near freshwater sources. Each home or “kiicha” was built of arroyo willow, yucca, and tule. The kiicha was dome-shaped with a small smoke hole on top and the floor dug down 2 to 3 feet into the earth. This design served to insulate the hut, keeping it warm in the winter and cool in the summer. A large granary basket made from willow was kept outside the kiicha, raised off the ground, to store acorns (Native Talk n.d.).

2.6.1.3 Historic Era Setting

The history of San Diego County is commonly presented in terms of Spanish, Mexican, and American political control. A discussion of historic land use and occupation under periods of political rule by people of European and Mexican origin is based on characteristics associated with each period and when economic, political, and social activities were influenced by the prevailing laws and customs. Certain themes are common to all periods, such as the development of transportation, settlement, and agriculture.

Spanish Period (1542–1821)

In 1542, the Spaniard Juan Rodríguez Cabrillo landed a ship at present-day Point Loma in San Diego and claimed the territory. The people already in residence shot arrows at the intruders, according to some accounts. The Native population of San Diego area at that time is estimated at 20,000. Five distinguishable Native American groups were present in San Diego County at the time of Spanish contact: Luiseño, Cahuilla, Cupeno, Kumeyaay, and Northern Diegueño. Native peoples lived in semipermanent villages, traveling to forage for food and depending heavily on acorns, small animals, and fishing. The native people of San Diego have no beasts of burden and do not use the wheel (USD 2024).

Beginning in 1769, the Spanish Period includes the establishment of the San Diego Presidio and missions at San Diego (1769) and San Luis Rey (1798), and the establishment of *asistencias* (chapels) to the San Diego Mission at Santa Ysabel (1818) and to the San Luis Rey Mission at Pala (1816). Horses, cattle, agricultural foods, weed seeds, and a new architectural style and method of building construction were also introduced. Spanish influence continued after 1821 when California became a part of Mexico. For a period of time under Mexican rule, the missions continued to operate as in the past, and laws governing the distribution of land were also retained.

Mexican Period (1821–1848)

The Mexican Period includes the initial retention of Spanish laws and practices until shortly before secularization of the missions in 1834, a decade after the end of Spanish rule. Although several grants of land were made prior to 1834, vast tracts of land were dispersed through land grants offered after secularization. Cattle ranching prevailed over agricultural activities, and the development of the hide-and-tallow trade increased during the early part of this period. The Pueblo of San Diego was established, and transportation routes were expanded. The Mexican Period ended in 1848 as a result of the Treaty of Guadalupe Hidalgo that ended the Mexican-American War.

Between 1827 and 1828, a smallpox epidemic swept through California Native American populations, and toward the end of 1840, the condition of mission Indians declined after secularization of the missions. A few Native Americans left the missions with marketable skills, but most had no land or means of livelihood. Displaced and discontented, Native Americans

regularly raided and plundered ranchos in San Diego County. By 1846, relations between US and Mexico deteriorated into war. Shortly before the Treaty of Guadalupe Hidalgo was signed, the discovery of gold at Sutter's Mill sparked the California gold rush. An unprecedented population boom soon overwhelmed the remaining California Native Americans and much of their land (USD 2024).

American Period (1848–Present)

The American Period began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Terms of the treaty brought about the creation of the Lands Commission in response to the Homestead Act of 1851, which was adopted as a means of validating and settling land ownership claims throughout the state. Few Mexican ranchos remained intact because of legal costs and the difficulty of producing sufficient evidence to prove title claims. Much of the land that once constituted rancho holdings became available for settlement by immigrants to California. The influx of people to California and the San Diego region resulted from several factors, including the discovery of gold in the state, the conclusion of the Civil War, the availability of free land through the passage of the Homestead Act, and later, the importance of San Diego County as an agricultural area supported by roads, irrigation systems, and connecting railways. The growth and decline of towns occurred in response to an increased population and the economic boom-and-bust cycle in the late 1800s.

The population of the inland part of the county declined during the 1890s, but between 1900 and 1910, it rose by about 70 percent. The pioneering efforts were over, the railroads had broken the relative isolation of southern California, and life in San Diego County became similar to other communities throughout the west. After World War I, the history of San Diego County was primarily determined by the growth of San Diego Bay. In 1919, the U. S. Navy decided to make the bay the home base for the Pacific Fleet, as did the aircraft industry in the 1920s. The establishment of these industries led to the growth of the county as a whole; however, most of the civilian population growth occurred in the north county coastal areas, where the population almost tripled between 1920 and 1930. During this time period, the history of inland San Diego County was subsidiary to that of the city of San Diego, which had become a Navy center and industrial city. In inland San Diego County, agriculture became specialized, and recreational areas were established in the mountain and desert areas. Just before World War II, urbanization spread to the inland parts of the county (Smith and Conroy 2022).

In 1850 US Congress authorized 3 California Native American commissioners to make treaties for the protections of the Native Americans and to secure their rights to land. In 1868, the federal Superintendent of Indian Affairs for California bemoaned the inaction of Congress in failing to establish a Native American reservation in San Diego. However, in 1870 President Ulysses S. Grant signed an executive order creating San Diego's first Native American reservations: the San Pasqual and Pala reservations. Similarly, in 1875 President Grant signed an executive order setting aside land in San Diego County and later allowing the establishment of reservations for the Santa Ysabel, Pala, Sequan (also spelled Sycuan), La Jolla, Rincon, Viejas, and Capitan Grande bands. Several San Diego County reservations were established under authorizing congressional legislation of 1891: Campo, Cuyapaipa, La Posta, Manzanita, Rincon, Pauma and Yuima. By 1932, the agricultural economy of the Kumeyaay living on ancestral lands on the Capitan Grande Reservation—already diminished by a city diversion of the San Diego River to Lake Cuyamaca—never recovered after residents were forced off their lands to make way for the city of San Diego's El Capitan Dam and its reservoir. Kumeyaay tribal members from the Capitan Grande Reservation were split into 2 groups when moved off

their reservation and retained a joint trust-patent for 15,000 acres of reservation land. One band moved to the Barona Valley; the other to the Viejas Valley. The new areas proved too dry for a renewal of traditional farming livelihoods. Congress enacted the Indian Gaming Regulatory Act to bring tribal gaming under a regulatory structure and to give state governments added control over the types of casino-style games allowed on reservations in 1988. The Act affirmed that gaming revenues belong to the tribes but provided a means for states to negotiate for a share of the revenue. States subsequently secure revenue shares ranging from 7 to 25 percent of gross Native American gaming revenues (USD 2024).

2.6.1.4 Records Searches

Information contained in the California Historical Resources Information System (CHRIS) is derived from the accumulated observations and assessments reported by individuals and organizations. The resources reported consist of both eligible and ineligible resources for the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP). The purpose of conducting a records search is to obtain that information and proceed based on the needs of the project.

On May 20, 2024, a records search was performed at the South Coastal Information Center (SCIC) at San Diego State University. The records search encompassed the entirety of San Diego County (incorporated and unincorporated). According to the results of the records search, 21,170 cultural sites and features have been recorded in San Diego County. The 21,170 cultural sites and features consist of 195 records that include “building,” 168 records that include “structure,” 1,990 records that include “site,” 25 records that include “object,” 15 records that include “district,” 31 records that include “element of district,” and 1059 records that include “other.” The results of the records search are summarized in Table 2.6.2, which is presented at the end of this section. These terms are defined as follows:

- **Building:** A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.
- **Structure:** The term “structure” is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.
- **Object:** The term “object” is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.
- **Site:** A site is the location of a significant event, a precontact or historic era occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.
- **District:** A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development (OHP 1995).
- **Element of a district:** This could be a site, building, structure, or object that is a contributing element of a district.

- Other: This category is used for resources that cannot be readily classified as one of the above categories.

Known Archaeological Resources

The records search results revealed that 2,271 precontact archaeological resources, such as lithic scatters, bedrock milling features, burial sites, and petroglyphs, have previously been recorded in San Diego County. A total of 475 historic-era archaeological resources, such as cemeteries, building foundations, and abandoned dams and railroad grades, have been previously recorded in San Diego County. It is unknown how many of these resources (2,746 combined) have been listed, evaluated, or determined eligible for listing in the CRHR or NRHP.

Known Built-Environment Resources

The SCIC search revealed that 363 built-environment resources, including walls, bridges, single-family properties, and government buildings, have been recorded in San Diego County. In addition, the Built Environment Resources Directory (BERD), which consists of listings of the CRHR, California State Historical Landmarks, California State Points of Historical Interest, and NRHP, contains 9,540 built-environment resources for San Diego County (OHP 2024). According to the BERD, 2,434 built-environment resources have been listed, have been determined to be eligible for listing, or appear to be eligible for listing in the NRHP. Under CEQA, these 2,434 built-environment resources have the same status in the CRHR. Therefore, these 2,434 built-environment resources are historical resources under CEQA. Note that not all 9,540 built-environment resources have been submitted to and processed by the SCIC, which is why not all are included in the 363 SCIC total.

2.6.1.5 *Paleontological Resources*

Paleontological resources are the remains and traces of prehistoric life (exclusive of human remains, artifacts, or features) that include the localities where fossils are collected and the sedimentary rock formations in which they were formed. The defining character of fossils is their geologic age. Fossils or fossil deposits are generally regarded as being older than 10,000 years, marking the end of the late Pleistocene and the beginning of the Holocene (County of San Diego 2011a).

Fossils result from the preservation of organic remains, which require a unique combination of physical and biological factors. Skeletal tissue, which has a high percentage of mineral matter, is readily preserved, whereas soft tissues not intimately connected with the skeletal parts are least likely to be preserved. For this reason, the fossil record contains a biased selection not only of types of organisms but also of parts of organisms. For example, 2 groups of abundant organisms in shallow marine environments are bivalve and gastropod mollusks and polychaete worms. However, whereas mollusks, with their calcium carbonate shells, are the dominant fossils in many marine formations, the polychaete worms are barely recognized in fossil deposits. The same can be said of vertebrate fossils. Much of the paleontological knowledge about mammals is based on teeth alone, the teeth being generally more durable than other parts of the skeleton. The best-preserved fossils are of those organisms that lived within a sedimentary depositional environment or were buried by sediment shortly after death, thus partially insulating them from destructive chemical and physical processes.

Fossil remains commonly include marine shells; bones and teeth of fish, reptiles, and mammals; leaf assemblages; and petrified wood. Fossil traces consist of internal and external molds (impressions) and casts. Trace fossils include evidence of past activities of fossil organisms, such as footprints and trackways, burrows and boreholes, coprolites, and nests and (packrat) middens. Fossils, fossil traces, and trace fossils are found in the sedimentary rocks and unconsolidated sediments of natural ancient environments, such as oceans, rivers, lakes, deltas, beaches, and lagoons.

The majority of San Diego County fossils are represented by shells and tests (hard coverings) of marine invertebrates (corals, mollusks, crustaceans, and echinoderms). However, important skeletal remains of terrestrial vertebrates (reptiles, birds, and mammals) characterize certain geologic rock units and time intervals. The local terrestrial fossil record also consists of remains and impressions of plants, including leaf assemblages and petrified wood.

Resource Potential and Sensitivity of Geologic Formations in Unincorporated San Diego County

A geologic formation is a body of rock identified by its lithic characteristics (e.g., grain size, texture, color, mineral content) and stratigraphic position. Formations are mapped at the earth's surface or traced in the subsurface and are formally named and described in the geologic literature. The fossil content may also be a characteristic of a formation. There is a direct relationship between fossils and the geologic formations within which they are enclosed; therefore, with sufficient knowledge of the geology and stratigraphy of a particular area and the paleontological resource potential, it is possible to reasonably predict where fossils might or might not be found. This is the case in San Diego County, where a general overview of the geologic setting provides a basis for reasonably predicting the location of paleontological resources.

San Diego County is underlain by a number of distinct geologic rock units (formations) that record portions of the past 450 million years of earth's history. In general, time periods late in geologic history are better represented than periods farther back in time. In San Diego County, the geologic record is most complete for parts of the past 75 million years, represented by the Cretaceous Period; the Eocene, Oligocene, and Pliocene Epochs of the Tertiary Period; and the Pleistocene Epoch of the Quaternary Period.

Most of the unincorporated areas of San Diego County are underlain by geologic formations with no, low, or marginal paleontological resource potential and sensitivity and are therefore unlikely to contain important fossils. Nonetheless, areas of high and moderate sensitivity, which do have the potential to contain unique paleontological resources, are present in Camp Pendleton, the San Dieguito area, Spring Valley, and Otay Mesa in the Coastal Plains region; Warner Valley and Jacumba Valley in the Peninsular Ranges region; and the Anza Borrego Desert and Coyote Mountains in the Salton Trough region.

2.6.2 Regulatory Framework

2.6.2.1 *Federal*

National Register of Historic Places

The NRHP is the nation's master inventory of known historic properties. It is administered by the National Park Service and consists of listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The formal criteria (Code of Federal Regulations, Title 36, Section 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP).
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations.
3. It possesses at least one of the following characteristics:

Criterion A	Is associated with events that have made a significant contribution to the broad patterns of history (events).
Criterion B	Is associated with the lives of persons significant in the past (persons).
Criterion C	Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
Criterion D	Has yielded, or may be likely to yield, information important in prehistory or history (information potential).

For a property to retain and convey historic integrity, it must possess most of the 7 aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has been moved since its construction. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period. This intangible quality is evoked by physical features that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historical use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee consideration in planning for federal or federally assisted projects, eligibility for

federal tax benefits, and qualification for federal historic preservation assistance. In addition, project effects on properties listed in the NRHP must be evaluated under CEQA.

Cultural and Historic Landscapes

Under the NRHP, historic properties may be defined as sites, buildings, structures (such as bridges or dams), objects (such as sculptures or monuments), or districts, including cultural or historic landscapes. A cultural landscape differs from a historic building or district in that it is understood through the spatial organization of the property, which is created by the landscape's cultural and natural features. Some features may create viewsheds or barriers (such as a fence), and others create spaces or "rooms" (such as an arrangement of buildings and structures around a lawn area). Some features, such as grading and topography, underscore the site's development in relationship to the natural setting. To be listed in the NRHP, a cultural landscape must meet 1 of the 4 evaluation criteria and must retain its integrity.

A cultural landscape is defined as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values" (NPS 2024). There are 4 general types of cultural landscapes—historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes—and they are not mutually exclusive:

- A historic site is a landscape significant for its association with a historic event, activity, or person. Examples include battlefields and a president's house properties.
- A historic designed landscape is a landscape that was consciously designed or laid out by a landscape architect, master gardener, architect, or horticulturist according to design principles or by an amateur gardener working in a recognized style or tradition. The landscape may be associated with a significant person, trend, or event in landscape architecture, or it may illustrate an important development in the theory and practice of landscape architecture. Aesthetic values play a significant role in designed landscapes. Examples include parks, campuses, and estates.
- A historic vernacular landscape is a landscape that evolved through use by the people whose activities or occupancy shaped that landscape. Such a landscape reflects the social and cultural attitudes of an individual, a family, or a community, as well as the physical, biological, and cultural character of everyday lives. Function plays a significant role in vernacular landscapes. Vernacular landscapes can be a single property, such as a farm, or a collection of properties, such as a district of historic farms along a river valley. Examples include rural villages, industrial complexes, and agricultural landscapes.
- An ethnographic landscape is a landscape containing a variety of natural and cultural resources that associated people define as "heritage resources." Examples are contemporary settlements, religious sacred sites, and massive geological structures. Small plant communities, animals, subsistence, and ceremonial grounds are often components.

Historic landscapes include residential gardens and community parks, scenic highways, rural communities, institutional grounds, cemeteries, battlefields, and zoological gardens. They are composed of character-defining features that individually or collectively contribute to the landscape's physical appearance as they have evolved over time. In addition to vegetation and topography, cultural landscapes may include water features, such as ponds, streams, and fountains; circulation features, such as roads, paths, steps, and walls; buildings; and furnishings, including fences, benches, lights, and sculptural objects.

Secretary of the Interior's Standards

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards) provides guidance for working with historic properties. The Secretary's Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary's Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would not result in a significant impact on a historic resource.

In 1992 the Secretary's Standards were revised so they could be applied to all types of historic resources, including landscapes. They were reduced to 4 sets of treatments to guide work on historic properties: preservation, rehabilitation, restoration, and reconstruction. The 4 distinct treatments are defined as follows:

- Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- Restoration depicts a property at a particular period of time in its history while removing evidence of other periods.
- Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

Because rehabilitation incorporates continuing changing uses of a property, it would be the most likely treatment used for projects. Therefore, specific guidance has been developed for this treatment. The Secretary's Standards for rehabilitation are as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Historic Sites, Buildings, Objects, and Antiquities Act

The Historic Sites, Buildings, Objects, and Antiquities Act of 1935 states that it is the national policy to preserve for the public use historic sites, properties, buildings, and objects of national significance. It gives the National Park Services broad powers to execute the policy on both federal and nonfederal lands. The act also set up an advisory board to aid the secretary of the interior in implementing the act. The National Natural Landmarks Program was established in 1962 to recognize and encourage the conservation of outstanding examples of the country's natural history. National Natural Landmarks are designated by the secretary of the interior, with the owner's concurrence, as being of national significance, defined as being one of the best examples of a biological community or geological feature within a natural region of the United States.

2.6.2.2 State

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the CRHR. The CRHR is a list of state of California resources that are significant in the context of California's history. It is a statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

California Historical Landmarks—buildings, structures, sites, or places that have been determined to have statewide historical significance—are also automatically listed in the CRHR. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR.

A historical resource must be significant at the local, state, or national level under 1 or more of the criteria defined in California Code of Regulations (CCR), Title 15, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets 1 of the criteria listed below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses 4 evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet 1 of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same 7 aspects of integrity used by the NRHP.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources” and “unique archaeological resources.” Pursuant to CEQA Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

Historical Resources

“Historical resource” is a term with a defined statutory meaning (CEQA Section 21084.1; State CEQA Guidelines Sections 15064.5(a) and (b)). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR is considered a historical resource (Public Resources Code [PRC] Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g])

does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC Sections 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. CEQA Section 21083.2(g) states that “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets 1 or more of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA Section 21083.2

Treatment options under CEQA Section 21083.2(b) to mitigate impacts on archaeological resources include activities that preserve such resources in place in an undisturbed state. CEQA Section 21083.2 states:

- (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.
- (b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
 - (1) Planning construction to avoid archaeological sites.
 - (2) Deeding archaeological sites into permanent conservation easements.
 - (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
 - (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
- (c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.
- (d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.

- (e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:
- (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
 - (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.
 - (3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:
 - (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
 - (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
 - (C) One hundred dollars (\$100) per unit in excess of 500 units.
- (f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both state and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC), which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Section 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency,

or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Paleontological Resources

Paleontological resources are classified as nonrenewable scientific resources and are protected by state statute (PRC Section 5097.5; State CEQA Guidelines, Appendix G). No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earthmoving on state or private land on a project site.

California Code of Regulations

CCR, Title 4, Section 16304(a)(3) provides that commercial cannabis cultivation activities should be immediately halted and the requirements of Section 7050.5(b) of the Health and Safety Code should be implemented if human remains are discovered.

State Water Resources Control Board Order WQ 2023-0102-DWQ

Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, includes the following requirements (terms) for state-licensed cultivation sites:

18. Cannabis cultivators shall not commit trespass. Nothing in this Policy or any program implementing this Policy shall be construed to authorize cannabis cultivation: (a) on land not owned by the cannabis cultivator without the express written permission of the landowner; or (b) inconsistent with a conservation easement, open space easement, or greenway easement. This includes, but is not limited to, land owned by the United States or any department thereof, the State of California or any department thereof, any local agency, or any other person who is not the cannabis cultivator. This includes, but is not limited to, any land owned by a California Native American tribe, as defined in section 21073 of the Public Resources Code, whether or not the land meets the definition of tribal lands and includes lands owned for the purposes of preserving or protecting Native American cultural resources of the kinds listed in Public Resources Code section 5097.9 and 5097.993. This includes, but is not limited to, conservation easements held by a qualifying California Native American tribe pursuant to Civil Code section 815.3 and greenway easements held by a qualifying California Native American tribe pursuant to Civil Code section 816.56.
19. Prior to acting on a cannabis cultivator's request to cultivate cannabis on tribal lands¹ or within 600 feet of tribal lands, the Water Boards will notify the governing body of any affected California Native American tribe or the governing body's authorized representative, as applicable. A 45-day review period will commence upon receipt of the notice by the affected tribe.

¹ "Tribal lands" means lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.

During the 45-day review period, the affected tribe may, at its discretion, accept, reject, or not act regarding the cannabis cultivation proposal. If the tribe rejects the proposed cultivation, the cannabis cultivator is prohibited from cultivating cannabis on or within 600 feet of the affected tribe's tribal lands. If the affected tribe accepts the cannabis cultivation proposal or does not act during the 45-day review period, the Water Boards may proceed with a decision on the cannabis cultivation request as though the affected tribe accepted the cannabis cultivation proposal. The Water Boards will consider requests to extend the 45-day review period on a case-by-case basis.

The governing bodies of California Native American tribes may, at their discretion, notify the State Water Board's Executive Director in writing that they: a) reject all proposed cannabis cultivation; or b) waive the 45-day review period for all current and future proposed cannabis cultivation on their tribal lands, on portions of their tribal lands, or within 600 feet of their tribal lands. Upon the Executive Director's receipt of written notice, the Water Boards will, based on the nature of the request, either:

- a. Not approve cannabis cultivation proposals on or within 600 feet of the affected tribe's tribal lands, as applicable; or
- b. Abide by the waiver and, at the Water Boards discretion, act on cannabis cultivation requests on or within 600 feet of tribal lands, as applicable, as though the affected tribe accepted the proposal.

The governing bodies of California Native American tribes may, at their discretion, withdraw a previously issued decision regarding cannabis cultivation on or within 600 feet of their tribal lands. In such instances, the governing body of the affected tribe should notify the State Water Board's Executive Director in writing. The Water Boards will abide by the withdrawal of the affected tribe's decision for any new cannabis cultivation proposals received after the date the State Water Board Executive Director has notified the governing body of the affected tribe that its decision was received. The Water Boards will coordinate with the affected tribe to address existing permitted cannabis cultivation sites on the affected tribe's lands, as necessary. Nothing in this provision shall be construed to modify or interpret tribal law or tribal jurisdiction in any way.

20. No cannabis cultivation activities shall occur within 600 feet of an identified tribal cultural resource site. The State Water Board may modify this requirement for specific identified tribal cultural resource sites at the request of an affected California Native American tribe(s) after consultation with the affected tribe(s). The cannabis cultivator is solely responsible for identifying any tribal cultural resource sites² within the cannabis cultivation area.
21. Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall perform a records search of potential Native American archeological or cultural resources at a California Historical Resources Information System (CHRIS) information center. Any person who meets qualification requirements for access to the CHRIS may perform the initial CHRIS records search and document the results. The requirement to perform a CHRIS records search may be satisfied by

² "Identified tribal cultural resource site" means a tribal cultural resource that meets the requirements of section 21074, subdivision (a)(1) of the Public Resource Code.

using the results of a previous CHRIS records search completed within the previous 10 years for the specific parcel or parcels where new or expanded cannabis cultivation activities are proposed to occur.

Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall also request a search of the Sacred Lands Inventory that is maintained by the Native American Heritage Commission pursuant to Public Resources Code sections 5097.94, subdivision (a), and 5097.96 (Sacred Lands Inventory). If the Sacred Lands Inventory search reveals the presence or potential presence of Native American places of special or social significance to Native Americans, Native American known graves or cemeteries, or Native American sacred places, the cannabis cultivator shall consult with the tribe or tribes that are culturally affiliated with the area in which these Native American cultural resources exist or potentially exist prior to conducting any land disturbance activities. The information provided by tribes through consultation with the cannabis cultivator shall be maintained as confidential by the cannabis cultivator and its agents. A new Sacred Lands Inventory search is always required prior to ground disturbing activities for new or expanded cannabis cultivation.

The cannabis cultivator shall notify the Appropriate Person within seven days of receiving a CHRIS positive result or Sacred Lands Inventory positive result. The Appropriate Person is the Deputy Director for Water Rights (Deputy Director) if the cannabis cultivator is operating under the Cannabis Small Irrigation Use Registration (SIUR), the Executive Officer of the applicable Regional Water Board (Executive Officer) if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, the cannabis cultivator shall also notify the Native American Heritage Commission within seven days of receiving the CHRIS positive result and request a list of any California Native American tribes that are potentially culturally affiliated with the positive result. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the CHRIS positive result within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a Professional Archeologist³ to evaluate the CHRIS positive result and recommend appropriate conservation measures. In the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe and shall promptly retain a Professional Archeologist to assist in this task in the event of a Sacred Lands Inventory positive result related to human remains or archeological resources. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve

³ A professional archaeologist is one that is qualified by the secretary of interior, Register of Professional Archaeologists, or Society for California Archaeology.

archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, or in the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving tribal cultural resources and prehistoric archeological resources with appropriate dignity.

Ground-disturbing activities shall not commence until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

22. If any buried archeological materials or indicators⁴ are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find.

The cannabis cultivator shall notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the Deputy Director if the cannabis cultivator is operating under the Cannabis SIUR, the Regional Water Board Executive Officer if the cannabis cultivator is operating under the Cannabis General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a professional archeologist⁵ to evaluate the discovery. The cannabis cultivator shall submit proposed mitigation and conservation measures to the appropriate person(s) (Deputy Director for the Cannabis SIUR and Regional Water Board Executive Officer for the Cannabis General Order or Cannabis General Water Quality Certification) for written approval. The appropriate person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

⁴ Prehistoric archaeological indicators include obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles); and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire-affected stones, shellfish, or other dietary refuse.

⁵ A professional archaeologist is one that is qualified by the secretary of interior, Register of Professional Archaeologists, or Society for California Archaeology.

In the event of a discovery of prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The appropriate person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity.

Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

23. Upon discovery of any human remains, cannabis cultivators shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The cannabis cultivator shall immediately notify the County coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met. The cannabis cultivator shall ensure that the human remains are treated with appropriate dignity.

Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.

Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods. If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98. If the landowner does not accept the descendant's recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

Government Code Section 25373

Government Code (GC) Section 25373 gives authority to local governments to acquire property for the preservation or development of a historical landmark. In addition, local governments may provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.

Government Code Section 27288.2

GC Section 27288.2 requires the county recorder to record a certified resolution establishing a historical resources designation issued by the State Historical Resources Commission or a local agency. For previously designated properties, the county may record the certified resolution establishing the historical resources designation upon submission.

Government Code Sections 50280–50290, Mills Act

The Mills Act, implemented in unincorporated San Diego County through Administrative Ordinance 9425 (amended by Ordinance 9628) provides for reduced property taxes on eligible historic properties in return for the property owner's agreement to maintain and preserve the historic property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the secretary of the interior. In order to be designated, a building must meet qualifying criteria, such as significant architecture, association with a historically significant event or person, or location in a historic district, such as Marston Hills.

2.6.2.3 Local**San Diego County General Plan**

The San Diego County General Plan provides the following policies related to cultural and paleontological resources (County of San Diego 2011b):

- **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.
- **Policy COS-8.1: Preservation and Adaptive Reuse.** Encourage the preservation and/or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process.
- **Policy COS-8.2: Education and Interpretation.** Encourage and promote the development of educational and interpretive programs that focus on the rich multicultural heritage of the County of San Diego.
- **Policy COS-9.1: Preservation.** Require the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes.
- **Policy COS-9.2: Impacts of Development.** Require development to minimize impacts to unique geological features from human related destruction, damage, or loss.

San Diego County Code of Regulatory Ordinances Sections 87.101–87.804, Grading, Clearing, and Watercourses Ordinance

Section 87.430 of the County’s Grading, Clearing, and Watercourses Ordinance provides for the requirement of a paleontological monitor at the discretion of the County. In addition, the suspension of a grading operation is required upon the discovery of fossils greater than 12 inches in any dimension. The ordinance also requires notification of the County official (e.g., permit compliance coordinator). The ordinance gives the County official the authority to determine the appropriate resource recovery operations, which shall be carried out prior to the county official’s authorization to resume normal grading operations.

Section 87.429 of the County’s Grading, Clearing, and Watercourses Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or archaeological resources may be located on site, in which case avoidance or mitigation will be required.

San Diego County Code of Regulatory Ordinances Sections 86.601–86.608, Resource Protection Ordinance

This ordinance requires that cultural resources be evaluated as part of the County’s discretionary environmental review process, and if any resources are determined significant under the Resource Protection Ordinance (RPO), they must be preserved. RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use damaging to 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. Sites determined to be RPO significant must be avoided and preserved.

San Diego County Zoning Ordinance

The County's Zoning Ordinance provides for the designation and regulation of "special areas." One type of special zoning area is a Historic/Archaeological Landmark or District. These resources may be assigned an "H" designator for historic areas or a specific district designator (e.g., Julian has a "J" designator). The purpose of these provisions is to identify, preserve, and protect the historic, cultural, archaeological, and architectural resource values of designated landmarks and districts. Zoning regulations for these resources are designed to preserve their integrity and content. Other types of resources of equal or greater significance may exist and be designated in other ways, such as NRHP and CRHR.

Resource Conservation Areas

County Resource Conservation Areas (RCAs) are identified lands requiring special attention in order to conserve resources in a manner best satisfying public and private objectives. The appropriate implementation actions will vary depending upon the conservation objectives of each resource but may include public acquisition; establishment of open space easements; application of special land use controls, such as cluster zoning, large lot zoning, scenic or natural resource preservation overlay zones; or by incorporating special design considerations into subdivision maps or special use permits. RCAs consist of the following areas: groundwater problem areas, coastal wetlands, native wildlife habitats, construction quality sand areas, littoral sand areas, astronomical dark sky areas, unique geologic formations, and significant archaeological and historical sites. County departments and other public agencies must give careful consideration and special environmental analysis to all projects located in RCAs.

San Diego County Local Register of Historical Resources

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

San Diego County Historic Site Board

The County of San Diego Historic Site Board is an advisory body that provides recommendations to decision makers regarding archaeological and historic cultural resources. The Historic Site Board is responsible for reviewing resources seeking historic designation and participation in the Mills Act, as well as discretionary projects with significant cultural resources.

2.6.3 Analysis of Effects and Significance Determinations

2.6.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines and *the County of San Diego Guidelines for Significance: Cultural Resources: Archaeological and Historic Resources*, implementation of the Cannabis Program would result in a significant impact on cultural and paleontological resources if it would:

- cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- disturb any human remains, including those interred outside of formal cemeteries; or
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

2.6.3.2 *Issues Not Discussed Further*

All potential cultural and paleontological resources issues identified in the significance criteria are evaluated below.

2.6.3.3 *Approach to Analysis*

The impact analysis for cultural and paleontological resources is informed by the provisions and requirements of federal, state, and local laws and regulations, as discussed previously.

In addition, according to State CEQA Guidelines Section 15126.4(b)(1), if a project adheres to the Secretary's Standards for the Treatment of Historic Properties, the project's impact "will generally be considered mitigated below the level of significance and thus is not significant."

For the purposes of the impact discussion, "historical resource" is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as "historical resources" pursuant to CEQA, are analyzed separately from built-environment historical resources.

Similarly, the following program-level analysis is based on paleontological resource mapping and data available from the General Plan Update EIR. The footprint and design details of any site-specific commercial cannabis projects are not known at this time.

Evaluation of potential cultural and paleontological resources impacts is based on a review of the SCIC, BERD, and General Plan Update EIR. Information obtained from these sources was reviewed and summarized to describe existing conditions and to identify potential environmental effects based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, state, and local laws, ordinances, and regulations.

2.6.3.4 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

Guidelines for Determination of Significance

Section 5020.1 of the PRC defines a historic district as a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A historical landmark means any historical resource that is registered as a state historical landmark pursuant to PRC Section 5021, and a historical resource includes any object, building,

structure, site, area, place, record, or manuscript that is historically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The San Diego County Administrative Code Ordinance 9493, Section 396.7(V)(d)(2) (Types of Historical Resources and Criteria for Listing in the San Diego County Register of Historical Resources) states that 1 of the criteria for historical listing is “historical resources achieving significance within the past fifty (50) years.” However, the County’s Significance Guidelines states, “A resource less than fifty (50) years old may be considered if it can be determined that sufficient time has passed to understand its historical importance.”

According to Appendix G of the State CEQA Guidelines and the County’s RPO, the Cannabis Program would have a significant impact if it would result in a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the State CEQA Guidelines or the County’s RPO through physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project:

- demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR;
- demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of State CEQA Guidelines Section 15064.5(b)(2).
- proposes activities or uses that would damage significant cultural resources as defined by the RPO and fails to preserve those resources.

Definition of an Historical Resource

Section 15064.5(a) of the State CEQA Guidelines defines “historical resources” as the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4852 et. seq.) including the following:
 - a. Criterion A: Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage. Examples include resources associated with the Battle of San Pasqual, gold mining in the Julian area, or a Kumeyaay settlement.
 - b. Criterion B: Is associated with the lives of persons important in the past. Examples of significant resources include those associated with the lives of George W. Marston, Kate Sessions, John D. Spreckels, Ellen Browning Scripps, Ah Quin, Manuel O. Medina, Jose Manuel Polton (Hatam), or Jose Pedro Panto.
 - c. Criterion C: Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values. Resources representing the work of architects such as William Templeton Johnson, Irving Gill, Lilian Rice, or Hazel Waterman would be considered significant because they represent the work of an important creative individual; or if a resource is identified as a Queen Anne, Mission Revival, Craftsman, Spanish Colonial, or Western Ranch Style structure, it would be significant because it embodies the distinctive characteristics of a type or period.
 - d. Criterion D: Has yielded, or may be likely to yield, information important in history. For example, a historic stone dam would be significant because it is considered unique and is likely to yield information important to history.
4. The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

The following definition of a historical resource was derived from the County's RPO:

- Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
 - formally determined eligible or listed in the NRHP by the Keeper of the National Register; or
 - to which the Historic Resource ("H" Designator) Special Area Regulations have been applied.

Impact Analysis

Historical (or architectural) resources include standing buildings (e.g., houses, barns, cabins) and intact structures (e.g., dams, bridges). San Diego County contains several known historical resources, including federally recognized and state-recognized resources. Known historic era resources within the county generally consist of civic and commercial or industrial buildings, bridges, barns, homes, and historic districts.

As described in Section 2.6.1, “Existing Conditions,” and Table 2.6.2, presented at the end of this section, the records search results from the SCIC identified 363 built-environment resources in San Diego County. The BERD identified 9,540 built-environment resources for San Diego County, most of which have not been included in the SCIC results. According to the BERD, 2,434 resources have been listed, determined eligible, or appear to be eligible for the NRHP; these 2,434 resources are also eligible for listing in the CRHR and therefore are resources under CEQA.

As noted in Section 2.6.2, “Regulatory Framework,” there are a number of federal, state, and local regulations currently in place that help protect the county’s historical resources.

As previously described in Section 2.6.2, “Regulatory Framework,” Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ established requirements (terms) for state-licensed cultivation facilities. Term 21 of Section 1 (General Requirements and Prohibitions) requires that records searches be performed through the applicable CHRIS information center before land-disturbing activities. Any positive results identified in the records search would need to be further evaluated.

Similarly, specific General Plan policies related to the protection of historical resources (Policy COS-8.1) are listed above in Section 2.6.2. Policy COS-8.1 encourages the preservation or adaptive reuse of historical sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourages the preservation of historical structures identified during the ministerial application process.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Expansion of the 5 existing facilities and current commercial cannabis cultivation operations under Alternative 1 that could result in damage to, modification of, or destruction of yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 1 would be subject to Term 21 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1 (noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB’s General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation, and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application

process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource would constitute an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis cultivation operations resulting from Alternative 2 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. As discussed above, cultivation facilities would be subject to Term 21 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1. Compliance with Term 21 of SWRCB’s General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical features and further evaluation. Compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources for cannabis cultivation and noncultivation uses.

Future commercial cannabis operations associated with the proposed ordinance could result in the reuse of existing buildings or construction of new buildings for processing activities, as well as smaller sheds for storage of materials. These activities could be in areas with known historical sites or in areas where structures have not yet been evaluated for historical significance. Damage to or destruction of a building or structure that is a designated historic resource, eligible for listing as a historic resource, or that has not yet been evaluated could result in a change in its historical significance. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 3 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 3 would be subject to Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1 (noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation, and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource would constitute an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 4 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 4 would be subject to Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1 (noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation, and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource causes an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require

discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis cultivation operations resulting from Alternative 5 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 5 would be subject to Term 21 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1 (noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB’s General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource causes an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 5.

2.6.3.5 Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource

Guidelines for Determination of Significance

As described above in Section 2.6.3.1, “Thresholds of Significance,” significant cultural resources are nonrenewable and therefore cannot be replaced. The disturbance or alteration of a cultural resource causes an irreversible loss of significant information. According to Appendix G of the State CEQA Guidelines, the Cannabis Program would have a potentially significant impact if it would cause a substantial adverse change in the significance of an archaeological resource as defined by State CEQA Guidelines Section 15064.5(a) and the criteria provided below. In addition, according to the County’s RPO, the Cannabis Program would have a potentially significant impact if the project proposes any activities or uses that

would damage significant cultural resources as defined by the RPO and fails to preserve those resources. 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.

Definition of an Archaeological Resource

CEQA Section 21083.2 defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

The following definition of an archaeological resource was derived from the County's RPO:

- Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either formally determined eligible or listed in the NRHP by the Keeper of the National Register;
- One-of-a-kind, locally unique, or regionally unique cultural resources that contain a significant volume and range of data and materials; or
- Any location of past or current sacred religious or ceremonial observances that is either:
 - protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, or
 - other formally designated and recognized sites that are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

Under the State CEQA Guidelines, archaeological resources may also be considered historical resources. Therefore, definitions of archaeological resources, as defined in Section 15064.5 of the State CEQA Guidelines and the County's RPO, are the same as those provided above in Section 2.6.3.4, "Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource," which includes definitions of archaeological (historical) resources.

Impact Analysis

Archaeological site types that may be encountered throughout the county could include bedrock milling features, habitation, burial sites, petroglyphs, and abandoned dams and railroad grades, among others. As described in Section 2.6.1, "Existing Conditions," 2,746 archaeological sites and features that include precontact and historic-era archaeological resources have been identified in San Diego County. It is unknown how many of these resources have been listed, evaluated, or determined eligible for the CRHR/NRHP.

As noted in Section 2.6.2, “Regulatory Framework,” there are a number of federal, state, and local regulations currently in place that help protect the county’s archaeological resources. CEQA Section 21083.2(b) provides treatment options to mitigate impacts on archaeological resources, including activities that preserve such resources in place in an undisturbed state.

As previously described in Section 2.6.2, Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ established requirements (Terms) for state-licensed cultivation sites. Term 21 of Section 1 (General Requirements and Prohibitions) requires CHRIS and NAHC records searches. Term 22 of Section 1 (General Requirements and Prohibitions) requires ground-disturbing activities to stop in the event that any archaeological resources or human remains are identified. Term 22 requires specific notifications, evaluation of the discovery, and the identification of appropriate measures that may include monitoring, preservation in place, and archaeological data recovery.

Similarly, specific San Diego County General Plan policies related to the protection of archaeological resources (Policies COS-7.1, COS-7.2, and COS-7.3) are listed above in Section 2.6.2, “Regulatory Framework.” Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.

Section 87.429 of the County’s Grading and Clearing Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or archaeological resources may be located on site, in which case avoidance or mitigation will be required.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Ground-disturbance activities associated with expansion of the 5 existing facilities and current commercial cannabis operations under Alternative 1 could result in damage to or destruction of known or yet to be discovered unique archaeological resources, which would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation facilities would be subject to Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County’s Grading Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to

protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant for Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis cultivation operations resulting from Alternative 2 that could result in damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County’s Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 3 that could result in damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 3 would be subject to Terms 21 and 22 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 4 that could result in damage or damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 4 would be subject to Terms 21 and 22 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require

discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis cultivation operations resulting from Alternative 5 that could result in damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 5 would be subject to Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County’s Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant under Alternative 5.

2.6.3.6 Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact on paleontological resources if it would:

- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Definition of a Unique Paleontological Resource

For the purposes of this PEIR, a unique paleontological resource is any fossil or assemblage of fossils, paleontological resource site, or formation that meets any one of the following criteria:

- is the best example of its kind locally or regionally;
- illustrates a life-based geologic principle (e.g., faunal succession);
- provides a critical piece of paleobiological data (illustrates a portion of geologic history or provides evolutionary, paleoclimatic, paleoecological, paleoenvironmental or biochronological data);
- encompasses any part of a “type locality” of a fossil or formation;
- contains a unique or particularly unusual assemblage of fossils;
- occupies a unique position stratigraphically within a formation; or
- occupies a unique position, proximally, distally or laterally within a formation’s extent or distribution.

Impact Analysis

As noted in Section 2.6.1, “Existing Conditions,” there are geological features in San Diego County that have the potential to contain paleontological resources. San Diego County is underlain by a number of distinct geologic rock units (formations) that record portions of the past 450 million years of earth’s history. In general, time periods late in geologic history are better represented than periods farther back in time. In San Diego County, the geologic record is most complete for parts of the past 75 million years, represented by the Cretaceous Period; the Eocene, Oligocene, and Pliocene Epochs of the Tertiary Period; and the Pleistocene Epoch of the Quaternary Period. Paleontological resources are classified as nonrenewable scientific resources and are protected by state statute.

As noted in Section 2.6.2, “Regulatory Framework,” there are a number of state, and local regulations currently in place that help protect the county’s unique paleontological resources.

Specific San Diego County General Plan policies related to the protection of unique paleontological resources (Policies COS-9.1 and COS-9.2) are listed above in Section 2.6.2, “Regulatory Framework.” Policy COS-9.1 requires the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes. Policy COS-9.2 requires development to minimize impacts to unique geological features from human-related destruction, damage, or loss. In addition, Section 87.430 of the County’s Grading and Clearing Ordinance provides the requirement of a paleontological monitor when the county determines it is necessary.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Ground disturbance activities associated with expansion of the 5 existing facilities and current commercial cannabis operations under Alternative 1 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 along with Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant for Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis operations resulting from Alternative 2 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 along with Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis operations resulting from Alternative 3 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 3 would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would

reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human-related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis operations resulting from Alternative 4 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 4 would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County’s Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human-related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis operations resulting from Alternative 5 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 5 would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County’s Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring

the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human-related destruction, damage, or loss.

The impact on paleontological resources would be less than significant under Alternative 5.

2.6.3.7 Issue 4: Disturb Any Human Remains

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact on cultural resources if it would:

- disturb any human remains, including those interred outside of formal cemeteries.

Impact Analysis

As described in Section 2.6.2, “Regulatory Framework,” 2,979 archaeological sites that include precontact and historic-era resources have been identified in San Diego County. This evidence indicates that burial sites are likely to be encountered in San Diego County. Human burials have occurred outside of dedicated cemeteries historically, and the disturbance of any human remains is considered a significant impact, regardless of archaeological significance or association. Whereas some burials have been uncovered, the potential exists for unknown burials to be present, including Native American burials. As evident from human remains that were previously discovered throughout unincorporated San Diego County, there is the potential for impacts to human remains to occur as the result of development.

As noted in Section 2.6.2, “Regulatory Framework,” there are a number of state and local regulations currently in place that protect the county’s human remains. PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land, specifically, Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

As previously described in Section 2.6.2, Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ established requirements (terms) for state-licensed cultivation sites. Term 23 of Section 1 (General Requirements and Prohibitions) requires compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, the specific San Diego County General Plan policy related to the protection of human remains (Policy COS-7.5) is listed above in Section 2.6.2, “Regulatory Framework.” Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and county regulations.

Section 87.429 of the County’s Grading and Clearing Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or

archaeological resources may be located on site, in which case avoidance or mitigation will be required.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Ground-disturbance activities associated with expansion of the 5 existing facilities and current commercial cannabis operations under Alternative 1 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading, Clearing, and Watercourses. Therefore, there would be no impact on human remains under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis operations resulting from Alternative 2 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis

facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 3 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. Similar to Alternative 2, cannabis cultivation and noncultivation sites under Alternative 3 would be subject Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 4 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. Similar to Alternatives 2 and 3, cannabis cultivation and noncultivation sites under Alternative 4 would be subject to Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and

specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis cultivation operations resulting from Alternative 5 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. Similar to Alternatives 2, 3, and 4, cannabis cultivation and noncultivation sites under Alternative 5 would be subject to Term 23 of SWRCB’s General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County’s Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB’s General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant under Alternative 5.

2.6.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for cultural and paleontological resources is the San Diego region.

2.6.4.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with historic resources from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of historical resources through the physical

demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The cumulative context for historical resources is San Diego County, where common patterns of historic era settlement have occurred over roughly the past 2 centuries. As discussed above in Section 2.6.3.4, “Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource,” implementation of the proposed Cannabis Program would have the potential to result in substantial adverse changes to the significance of historical resources due to demolition, destruction, or alteration as a result of commercial cannabis operations. Even with compliance with Term 21 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1, disturbance or alteration of a historical resource causes an irreversible loss of significant information.

The proposed Cannabis Program, in combination with the identified cumulative projects, would have the potential to result in a significant cumulative impact associated with historical resources under Alternatives 1, 2, 3, 4, and 5.

2.6.4.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with archaeological resources from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of archaeological resources through development activities that could cause a substantial adverse change in the significance of an archaeological resource. Cumulative projects that may result in significant impacts include any projects that involve ground-disturbing activities (e.g., grading, excavation). Ground-disturbing activities could damage or destroy known unique archaeological resources, unevaluated archaeological sites, and previously undiscovered archaeological resources.

As discussed in Section 2.6.3, “Analysis of Effects and Significance Determinations,” above, commercial cannabis operations could result in damage or destruction of known or yet to be discovered unique archaeological resources and would be a potentially significant impact. However, Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions; San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3; Section 87.429 of the County’s Grading and Clearing Ordinance; and CEQA Section 21083.2(b) would reduce impacts to a less-than-significant level. Therefore, the contribution to cumulative archaeological resources impacts would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.6.4.3 *Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with paleontological resources from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with paleontological resources from extensive grading,

excavation, or other ground-disturbing activities. The cumulative context for paleontological resources is San Diego County, which is underlain by a number of distinct geologic rock units (formations) that record portions of the past 450 million years of earth's history. In general, time periods late in geologic history are better represented than periods farther back in time. In San Diego County, the geologic record is most complete for parts of the past 75 million years, represented by the Cretaceous Period; the Eocene, Oligocene, and Pliocene Epochs of the Tertiary Period; and the Pleistocene Epoch of the Quaternary Period.

As discussed in Section 2.6.3 above, commercial cannabis operations could result in damage or destruction of known or yet to be discovered paleontological resources and would be a potentially significant impact. However, compliance with San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance would reduce impacts to a less than significant level. Therefore, the contribution to cumulative paleontological resources impacts would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.6.4.4 Issue 4: Disturb Any Human Remains

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with human remains from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in impacts associated with human remains due to grading, excavation, or other ground-disturbing activities. Human burials have occurred outside of dedicated cemeteries historically, and the disturbance of any human remains is considered a significant impact, regardless of archaeological significance or association. While some burials have been uncovered, the potential exists for unknown burials to be present, including Native American burials.

As discussed in Section 2.6.3.7, "Disturb Any Human Remains," above, commercial cannabis operations that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. However, compliance with Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, Section 87.429 of the County's Grading and Clearing Ordinance would reduce impacts to a less than significant level. Therefore, the contribution to cumulative human remains impacts would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.6.5 Significance of Impacts prior to Mitigation

2.6.5.1 Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

The proposed Cannabis Program would result in potentially significant direct impacts to historical resources under Alternatives 1 through 5. It would also have the potential to result in significant cumulative impacts associated with historical resources.

2.6.5.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

The Cannabis Program would not result in potentially significant impacts to archaeological resources under Alternatives 1 through 5, and it would not result in significant cumulative impacts associated with archaeological resources for all alternatives.

2.6.5.3 *Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource*

The Cannabis Program would not result in potentially significant impacts to paleontological resources under Alternatives 1 through 5, and it would not result in significant cumulative impacts associated with paleontological resources for all alternatives.

2.6.5.4 *Issue 4: Issue 4: Disturb Any Human Remains*

The Cannabis Program would not result in potentially significant direct impacts to human remains under Alternatives 1 through 5, and it would not result in significant cumulative impacts associated with the disturbance of human remains for all alternatives.

2.6.6 Mitigation

2.6.6.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

The following mitigation is identified for Alternatives 1, 2, 3, 4, and 5.

M-CR.1-1: Identify and Evaluate Historical Structures

- As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1 - Term 21) and County General Plan Policy COS-8.1, commercial cannabis cultivation and noncultivation sites in San Diego County would be required to identify and evaluate all historical (over 50 years in age) buildings and structures that are proposed to be removed or modified as part of commercial cannabis site operations.
- The applicant shall identify structures that are proposed to be removed or modified as part of the commercial cannabis site operations and the age of these structures. For all historic-age (over 45-years in age) buildings and structures, projects involving interior alterations, the addition of rooftop solar, or routine maintenance work, do not need evaluation of eligibility by an architectural historian in a historic report.
- For projects that involve modifications to structures over 45 years, excluding interior alterations, the addition of rooftop solar, or routine maintenance work, the applicant shall have the structure evaluated to determine their eligibility for listing on the National Register of Historic Places, California Register of Historical Resources, or County local official register of historic resources. The evaluation shall be prepared by an architectural historian or historical architect who meets the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards and is listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b). To qualify as a ministerial project, the evaluation must

conclude that no historical resources are present or that the project would not result in a substantial adverse change to the significance of historical resources.

- If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural or built-environment resource is not feasible, additional mitigation options include specific design plans for historic districts and plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

2.6.6.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

No mitigation is required.

2.6.6.3 *Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource*

No mitigation is required.

2.6.6.4 *Issue 4: Disturb Any Human Remains*

No mitigation is required.

2.6.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and identifies the level of impact that would occur after the relevant federal, state, and local regulations and mitigation measures are implemented.

2.6.7.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4, and 5 would facilitate new development that in turn would have the potential to result in substantial adverse changes to the significance of historical resources. Therefore, the proposed Cannabis Program would result in a potentially significant impact to historical resources. Additionally, the proposed Cannabis Program would result in a potentially significant cumulative impact prior to mitigation. Compliance with Term 21 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-8.1 and the identified mitigation measure (M-CR. 1-1: Identify and Evaluate Historical Structures) would reduce direct and cumulative impacts to a less-than-significant level.

2.6.7.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4, and 5 would result in new development that would have the potential to cause a substantial adverse change

in the significance of an archaeological resource, including the destruction or disturbance of an archaeological site that contains or has the potential to contain information important to history. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions; San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3; Section 87.429 of the County's Grading and Clearing Ordinance; and CEQA Section 21083.2(b) would reduce impacts to a less-than-significant level. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.6.7.3 Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4, and 5 would result in new development that would have the potential to adversely impact unique paleontological resources. Compliance with San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance would reduce impacts to a less-than-significant level. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.6.7.4 Issue 4: Disturb Any Human Remains

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4 and 5 would result in new development that would have the potential to disturb human remains, including those discovered outside of formal cemeteries. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance would reduce impacts to a less-than-significant level. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Table 2.6.2 Resources Previously Recorded in San Diego County

	Building	Structure	Site	Object	District	Element of District	Other
Precontact	0	0	1,497	4	0	0	770
Protohistoric era	0	0	21	0	0	0	1
Historic era	195	168	454	21	15	31	264
Unknown	0	0	18	0	4	16	24

Source: SCIC 2024.