

## **2.5 Cultural Resources**

A cultural and historical resources study was prepared for the Proposed Project to determine the potential for significant impacts to archaeological sites and historic structures as a result of Project development. The cultural resources technical study titled, *Cultural Resources Inventory and Assessment: Valiano* (November 2014) was prepared by Affinis in conformance with the County Report Requirements for Format and Content for Cultural Resources (December 2007). Previous work by Brian F. Smith and Associates (BFSA) is also incorporated into the Affinis study (Smith 2011). In addition, an Addendum to the referenced 2014 Cultural Resources Inventory was prepared by HELIX (April 2015) to determine the potential for significant impacts to archaeological sites associated with proposed and potential off-site roadway improvements (refer to Section 1.2.1.2, *Access and Circulation*). The results of the Affinis and HELIX studies are summarized below and included as Appendix F to this EIR, with confidential records and maps on file at the County of San Diego PDS and deposited with the South Coastal Information Center (SCIC).

### **2.5.1 Existing Conditions**

The Proposed Project study area supports numerous plant resources that would have attracted Native populations. Sage scrub, chaparral, and riparian communities occur within the Project area. These and other species common in the vegetation communities are known to have been used by Native populations for food, shelter, tools, ceremonial uses, etc. The vegetation communities would have supported a number of animal species also used by Native people (see Bean and Shipek 1978; Hedges and Beresford 1978; Sparkman 1908).

According to the Affinis report, the Proposed Project site is in a transitional area between the ethnographic territory of the Kumeyaay and the Luiseño people (Agua Hedionda Creek is often described as the division) and is of importance to both groups. The area was used for ranching and farming following the Hispanic intrusion into the region and continuing into the historic period. Both prehistoric and historic cultural resources were identified within the project footprint. Nine prehistoric sites and one isolate were identified during the on-site survey and testing phases. Prehistoric resources include bedrock milling with and without associated artifact scatters, and one artifact deposit. The historic resources include a farm/ranch complex and an historic complex.

The areas surveyed as part of the off-site roadway Addendum include similar potential for cultural resources as noted for the Project site, with one isolated prehistoric artifact (a metavolcanic flake) identified along Mt. Whitney Road during the April 2015 survey. As described in the Addendum (Appendix F), the isolate was moved out of the road right-of-way. No other cultural resources were identified within the off-site road alignments.

#### **2.5.1.1 Methodology**

The presence and significance of existing cultural resources associated with the Proposed Project and applicable off-site areas was determined using the methodologies outlined below.

Methodologies include a review of institutional records and reports for the project area (including the off-site roadway alignments) and immediate vicinity, a field survey, surface mapping, artifact collection and analysis, bedrock milling graphic and photographic documentation, historic structures assessment, the excavation of shovel test pits and test units to determine the extent, integrity, and constituents of site deposits, and consultation with the Native American community. Site record forms were prepared for all identified resources and were submitted to the South Coastal Information Center.

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

### **2.5.1.2 Records Search Results**

Records searches for the Proposed Project area and a one-mile radius were conducted at the SCIC at San Diego State University for the original survey by BFSa in 2005 (Smith 2011). Records searches of the two additional parcels were conducted by Affinis at SCIC in 2012, and a records search encompassing the off-site road alignments was conducted in March 2015 as part of the Project Section 404 permit process. Fifty-eight archaeological or historic resources have been recorded within a one-mile radius of the Project area (Appendix F), including the sites recorded by BFSa in 2005. These include 50 resources that have been assigned trinomials, five historic resources with Primary numbers, and three isolates. One of the archaeological sites is just a map location with no additional information. Of the other 49 sites, 35 (71 percent) include bedrock milling features. No artifacts were noted on the site record for over half of the sites with milling features (19); 16 of these sites do include artifacts, ranging from a sparse scatter of lithic items or ceramics to extensive habitation debris. Pictographs were also present at two of these sites. One of the bedrock milling stations included a historic component, but no other artifacts were noted there; historic components are also present at the two sites with habitation debris and pictographs. Almost one-fourth of the sites (11) were noted as lithic scatters, and one is a lithic quarry site. The historic resources (both those with trinomials and those with Primary numbers) include a farm complex (on the Valiano property), four historic buildings, a foundation, a well with associated pump and pipe, and a radio transmitting tower.

While no recorded sites are present within the noted off-site roadway alignments, two archaeological sites are recorded adjacent to the Proposed Project site. CA-SDI-17,838 and CA-SDI-17,839 were both recorded during a survey for potential improvements to Country Club Drive in association with the Harmony Grove Village project environmental review (Smith et al. 2006). Each site consists of a single bedrock milling feature; the first site also included one associated flake, the second had two flakes. CA-SDI-17,162, CA-SDI-17,163, and CA-SDI-17,837 are located within the vicinity of the Project. The first site is a processing area characterized by lithic production waste and a few tools. The second is a sparse lithic scatter of flakes and two tools. CA-SDI-17,837 is a single bedrock milling feature.

### 2.5.1.3 Field Survey and Testing

The majority of the Proposed Project (approximately 130 acres) was surveyed by BFSa in 2005. The field survey was conducted on March 31, 2005 and May 4 and 5, 2005 using parallel transects spaced five to 10 meters apart. An updated study was conducted by BFSa in 2011, including a review of all previously recorded sites and an intuitive reconnaissance of high potential areas where resources could be expected (Smith 2011).

Affinis conducted surveys of two additional parcels in 2012. A field survey of the 30-acre Hakimian parcel was conducted on August 31, 2012, and the 48-acre Fines parcel was surveyed on October 26, 2012. One additional 29.4-acre parcel was surveyed for cultural resources on March 12, 2014. The properties were walked in parallel transects spaced approximately 10 to 15 meters apart. For the most part, ground visibility was poor, due to grass/weed cover over most of the property, as well as avocado groves and thick vegetation in drainages across the parcels. Visibility was quite good in graded roads; any other patches of open ground were inspected, as were rodent back dirt piles. Bedrock outcrops were inspected for milling features.

HELIX conducted surveys of the off-site roadway alignments on April 9, 2015 and October 6, 2015. The proposed alignments were surveyed using parallel transects spaced less than 10 meters apart. In areas where the edge of the road alignment crossed fenced properties, the surveyors examined the ground surface through the fences. Ground visibility adjacent to the existing roadways was generally good, although vegetation, including landscaping, obscured the view in some areas.

All cultural resources identified during the surveys were plotted on Project topographic maps, photographed, and recorded with SCIC.

Nine archaeological sites, two isolates, and two historic complexes have been identified within the Proposed Project area and off-site roadway alignments, as summarized in Table 2.5-1, *Archaeological Resources Within the Project Area*. The BFSa survey identified five archaeological sites, one isolate, and one historic complex on the 130-acre portion of the Project that was surveyed in 2005 and checked in 2011. Affinis recorded two archaeological sites and one historic complex on the two parcels surveyed in 2012. During a February 2013 field check of the sites recorded by BFSa, archaeologists from Affinis and Native American monitors from Red Tail Monitoring and Research (Kumeyaay) and Saving Sacred Sites (Luiseño) found two archaeological sites that had not been previously recorded. One of these sites consists of a single bedrock milling feature; the other includes two milling features with a mano noted on the surface. The April 2015 HELIX survey identified one isolate within the off-site alignment along Mt. Whitney Road. A summary of each site is provided in Table 2.5-1 along with a determination as to the significance of the site, pursuant to Section 15064.5 of the CEQA Guidelines and, for sites within County jurisdiction, the County RPO. A detailed discussion of each site can be found in Section 3.0, Appendix F.

### Archaeological Resources

As stated above, nine archaeological sites and two isolates have been recorded within the Project area and off-site roadway alignments. The information regarding sites CA-SDI-17,506 through CA-SDI-17,510 is taken from the BFSAs report of their 2005 study and the 2011 update (Smith 2011). Additional information regarding these sites, based on the field visit in February 2013, is included where applicable.

Eight of the archaeological sites (the bedrock milling sites, as described above in Table 2.5-1) and the two isolates were determined not to be significant resources under CEQA or the County's RPO; their research potential has been fulfilled through documentation, as well as curation of artifacts. These sites are: CA-SDI-17,507, CA-SDI-17,508, CA-SDI-17,509, CA-SDI-17,510, CA-SDI-20,762, CA-SDI-20,763, CA-SDI-20,858, and CA-SDI-20,859, as well as the two isolates shown in Table 2.5-1.

One site, CA-SDI-17,506, was assessed as a significant resource under CEQA, but it does not meet the criteria for significance under the RPO because it (1) is not eligible or listed in the National Register, (2) is not designated with the Historic Resource Special Area Regulation ("H" Designator), (3) is not a one-of-a-kind, locally unique, or regionally unique cultural resources, and (4) is not a location of past or current sacred religious or ceremonial observances. According to the BFSAs report, the range of lithic tools, including ground stone tools and precision tools, as well as marine shell, suggests that resource processing was a common activity at the site. During the February 2013 site visit by Affinis and the Native American monitors, this site was found essentially as previously recorded but covering a somewhat larger area than previously recorded.

### Historic Resources

One of the historic farm/ranch complexes (P-37-026762) was evaluated by BFSAs and determined not to be a significant resource under CEQA or RPO because it (1) is not eligible or listed in the National, California, or Local Historical Resources Registers, (2) is not designated with the Historic Resource Special Area Regulation ("H" Designator), (3) is not a one-of-a-kind, locally unique, or regionally unique cultural resource, (3) is not associated with events that have made a significant contribution to the broad patterns of California or San Diego County's history and cultural heritage, (4) is not associated with the lives of persons important to the history of California or San Diego County, (5) does not embody 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, (6) does not yield or may be likely to yield information important in prehistory or history, and (7) is not a location of past or current sacred religious or ceremonial observances. The Fines historic complex (P 37-033262), the current Harmony Grove Equestrian Center, was evaluated by Stephen Van Wormer and Susan Walter as part of the Cultural Resources Inventory and Assessment prepared by Affinis and contained in Appendix F of this EIR. It, too, was determined not to be a significant resource under CEQA or RPO for the same reasons listed above for P-37-026762. Although the standing structures are not significant resources, the area on which they are located is the same area in which a family farm was in operation from the 1870s until the mid-1930s. Based on this, there is a potential for subsurface historic archaeological material in the area of these buildings and structures.

## Traditional Cultural Properties

No information has been obtained through Native American consultation or communication with the Native American monitors during fieldwork that any of the evaluated sites are culturally or spiritually significant. No Traditional Cultural Properties that currently serve religious or other community practices are known to exist within the Proposed Project area or off-site roadway alignments. During the current archaeological evaluation, no artifacts or remains were identified or recovered that could be reasonably associated with such practices. All prehistoric artifactual material consisted of common flaked stone and ground stone items, and those in very limited quantities at all sites except CA-SDI-17,506. Features consisted of bedrock milling features.

### **2.5.1.4 Native American Consultation**

BFSA contacted the Native American Heritage Commission (NAHC) as part of the 2005 survey. The NAHC indicated that there were no cultural resources listed in their Sacred Lands File in the immediate Proposed Project area. Affinis contacted the NAHC in August 2012 in conjunction with the survey of a parcel to be added to the Project site. In October 2012, a second parcel was added, and Affinis contacted the NAHC as part of the study for that parcel. Due to the length of time that has elapsed since the original survey by BFSA, in February 2013, Affinis contacted the NAHC for a Sacred Lands File check and list of Native American contacts for the entire Project site. All of these Sacred Lands File checks indicated that no significant cultural resources have been recorded with the NAHC in the immediate vicinity of the Project site.

Letters regarding the Proposed Project were sent to individuals and groups identified by the NAHC in February 2013. Written responses have been received from the following Tribes/Bands: Viejas, Pala, Pechanga, Rincon, and Soboba. All the letters indicated that approved cultural monitors should be present during ground-disturbing activity, and several of the letters noted that avoiding impacts to cultural resources is preferable to mitigating impacts. The need for ongoing consultation between the Native American community, the applicant, and the County was also noted in some of the letters.

Affinis met with Pechanga Cultural Resources staff in May 2013 to discuss the Proposed Project and to obtain information that they have gathered in their research in order to better understand the resources in the Project area.

In addition to the Sacred Lands file check that was conducted by the Principal Investigators, the County initiated government-to-government consultation pursuant to Government Code §65352.3 (SB-18). Letters regarding the Proposed Project were sent to individuals and groups identified by the NAHC in March 2013. Consultation is ongoing with Rincon, San Luis Rey, and Pechanga. Similar to the Sacred Lands file check, the requests of the Native American community is the need for the presence of joint Native American monitors (Kumeyaay and Luiseño) during any and all ground disturbances, to include the Tribes in the public distribution of all documents, copies of technical studies and environmental assessments, the need to define the site boundaries of CA-SDI-17506, the relocation of bedrock milling to open space for resources determined to be “not significant” pursuant to CEQA, and the need for on-going consultation.

Native American monitors from Red Tail Monitoring and Research (Kumeyaay) participated in the field surveys conducted by Affinis, while the off-site roadway alignment monitoring conducted by HELIX included Native American monitors from both Red Tail Monitoring and Research (Kumeyaay) and Saving Sacred Sites (Luiseño). Native American monitors from both Red Tail Monitoring and Research (Kumeyaay) and Saving Sacred Sites (Luiseño) participated in the testing program conducted by Affinis. Their comments have been incorporated into the report. Both Kumeyaay and Luiseño representatives expressed three principal concerns:

- The 130-acre portion of the Proposed Project that was surveyed by BFSa should be resurveyed, as they consider that survey inadequate. This is based on the fact that additional cultural material was found during the February 2013 field check (two new sites and one additional feature at CA-SDI-17,510), as well as the fact that Native American monitors were not included in the original survey. The poor ground visibility could help explain the finding of additional features in 2013. Due to the extensive amount of leaf duff and other organic material limiting ground visibility and covering bedrock outcrops, it was recommended that leaf duff should be cleared, and the area resurveyed prior to any grading/ground disturbing activities.
- At CA-SDI-17,506, which was determined by BFSa to be a significant resource under CEQA but not under RPO, the site boundaries should be adequately defined so that if it is possible to avoid the site in Project design an appropriate buffer can be provided. If bedrock milling features at sites in the Project can be incorporated into open space areas and landscape design that is preferable to their removal.

As discussed in the Cultural Resources Addendum 2 contained in Appendix F, the 3.2-acre site owned by Rincon MWD and associated access road were surveyed for cultural resources on March 12, 2014 by Affinis archaeologists with Native American monitors from Saving Sacred Sites (Luiseño) and Red Tail Monitoring and Research (Kumeyaay). The parcel was walked in parallel transects spaced approximately 10 to 15 meters apart. The parcel was an avocado grove, which afforded poor ground visibility. No cultural resources were previously recorded within the proposed R-7 reservoir site or the associated easement, based on records searches conducted at the SCIC for the Proposed Project, including a records search obtained in March 2015 in conjunction with the Section 404 permit process. No cultural resources have been identified within or adjacent to the reservoir site or the associated easement

Native American consultation should be ongoing so that Native American representatives can have input into changes in Project design to avoid impacts, as well as input into the data recovery program if significant impacts cannot be avoided.

### 2.5.1.5 Regulatory Setting

#### Federal

##### National Historic Preservation Act

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

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

##### National Register of Historic Places

Developed in 1981, the NRHP is an authoritative guide to be used by federal, State, and local governments, private groups, and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. Listing of private property on the NRHP does not prohibit under federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.

##### Native American Graves Protection and Repatriation Act

Enacted in 1990, NAGPRA conveys to American Indians of demonstrated lineal descent, the human remains and funerary or religious items that are held by federal agencies and federally supported museums, or that have been recovered from federal lands. It also makes the sale or purchase of American Indian remains illegal, whether or not they derive from federal or Indian lands.

#### State

##### Section 15064.5 of the CEQA Guidelines, as amended

A cultural resource would be considered significant if it is:

1. A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in, the California Register (Public Resources Code [PRC] §5024.1; Title 14 California Code of Regulations [CCR], §4850 et seq.).
2. A resource included in the local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, shall be presumed to be historically or

culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4852), including the following:
  - a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - b. Is associated with the lives of persons important in our past;
  - c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - d. Has yielded, or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in the California Register, determined not to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to Section 5020.1[k] of the PRC), and not identified in an historical resources survey (meeting the criteria in Section 5024.1[g] of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(i) or 5024.1.

In accordance with CEQA, any cultural resources must be assessed for project-related actions that could directly or indirectly impact them. Under this scenario, impacts to cultural resources not deemed important according to the above criteria would be considered less than significant. A summary of on-site and off-site cultural resources is provided below, along with a determination as to the significance of the impact pursuant to Section 15064.5 of the CEQA Guidelines.

#### California Register of Historical Resources

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



## Senate Bill 18 – Traditional Tribal Cultural Places

Senate Bill (SB) 18, enacted in 2004, requires local governments to conduct government-to-government consultations with Native American groups at the earliest point in the local government land use planning process. SB-18 consultation is required for the adoption of a General Plan and any project that proposes a General Plan Amendment, Specific Plan, or Specific Plan Amendment. Consultations are for engaging in a meaningful dialogue with affected Native American groups to preserve and mitigate impacts to Native American prehistoric, archaeological, cultural, or sacred sites, features, objects, spiritual or ceremonial places that are not located on Tribal reservations or rancherias. It provides the opportunity for Tribes to hold conservation easements and requires Traditional Tribal Cultural Places to be included in open space planning.

## Assembly Bill 52 – Gatto. Native Americans: California Environmental Quality Act

Assembly Bill (AB) ~~52 requires~~ ~~would specify~~ that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. This law ~~became effective on~~ ~~goes into effect~~ July 1, 2015 and requires consultation for those projects in which a Negative Declaration, Mitigated Negative Declaration, or Notice of Preparation are released for public review after July 1, 2015. ~~Consultation is required.~~

### Local

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

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

County of San Diego 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 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.

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

The following discussion evaluates potential impacts to prehistoric and historic sites resulting from the Proposed Project. Section 15064.5(c) of CEQA addresses effects on archaeological sites. It

notes that once it is known that a project may impact an archaeological resource, if that archaeological resource is neither a unique archaeological nor an historical resource, project effects on those resources shall not be considered a significant effect on the environment. The resource and potential project effects must be noted in the EIR, but the site need not be further considered during the CEQA process. The potential disturbance of human remains with regard to the Proposed Project also is discussed below.

### 2.5.2.1 Archaeological Sites

#### Guideline for the Determination of Significance

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

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

The significance guideline listed above has been selected for the following reasons:

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

#### Analysis

As a result of the cultural study, nine archaeological sites and two isolates were documented and evaluated for significance according to CEQA (§15064.5). These sites include bedrock milling with and without associated artifact scatters and two artifact deposits. Eight of the archaeological sites, as well as the two isolates, were determined not to be significant resources under CEQA or RPO; their research potential has been fulfilled through documentation, and no mitigation measures are required. These sites are: CA-SDI-17,507, CA-SDI-17,508, CA-SDI-17,509, CA-SDI-17,510, CA-SDI-20,762, CA-SDI-20,763, CA-SDI-20,858, and CA-SDI-20,859, as well as the two isolates listed in Table 2.5-1.

One site, CA-SDI-17,506, was assessed as a significant resource under CEQA, but it does not meet the requirements for significance under RPO. The range of lithic tools, including ground stone tools and precision tools as well as marine shell, suggest that resource processing was a common activity at the site. Due to the range of artifacts at the site, the presence of subsurface cultural deposits, and the potential for buried features, the site was recommended as a significant resource under CEQA. Therefore, even though the site does not meet the significance criteria of the County's RPO (BFS 2011), **impacts to archaeological resources would be potentially significant. (Impact CR-1)**

In addition, the records search and field studies described above, however, have demonstrated that prehistoric archaeological deposits could lie buried below the alluvium and that the discovery of sites has been hampered by historic land alterations and dense vegetation. There is the potential that grading activities associated with construction of the Proposed Project and related off-site roadways could result in the discovery of previously unrecorded, potentially significant archaeological resources. Therefore, **impacts to potentially buried on- and off-site cultural resources would be potentially significant. (Impact CR-2)**

### 2.5.2.2 Historic Sites

#### Guideline for the Determination of Significance

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

2. Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the State CEQA Guidelines. This shall include the destruction, disturbance or any alteration of characteristics or elements of a resource that cause it to be significant in a manner not consistent with the Secretary of the Interior Standards.

The significance guideline listed above has been selected for the following reasons:

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

#### Analysis

As a result of the historic evaluation of the Proposed Project, two historic farm complexes have been documented and evaluated for significance according to CEQA (§15064.5): P-37-026762 and P-37-033262 (as described above and in Table 2.5-1). P-37-026762 was evaluated by BFSa and determined not to be a significant resource under CEQA or RPO. P-37-033262 was evaluated by Stephen Van Wormer and Susan Walter for this report. It, too, is not a significant resource under CEQA or RPO. These structures were determined to not be significant because they do not contain historic, architectural, or informational value. A detailed discussion of each resource can be found in the cultural resources study (Appendix F). Therefore, **impacts to on-site historic resources would be less than significant.**

### 2.5.2.3 *Human Remains*

#### Guideline for the Determination of Significance

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

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

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

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

#### Analysis

During the current archaeological evaluation, no evidence of human remains, including those interred outside of formal cemeteries, were identified during the records search, literature review, field survey, or site testing and evaluation program. There is no indication that the project site was used by Native Americans for religious, ritual, or other special activities. No information has been obtained through Native American consultation or communication with the Native American monitors during fieldwork that any of the evaluated sites are culturally or spiritually significant. No Traditional Cultural Properties that currently serve religious or other community practices are known to exist within the Proposed Project area. A grading monitoring program will be included in the mitigation monitoring and reporting program which includes State law requirements should human remains be identified during ground disturbing activities. Therefore, **no impact would occur.**

### 2.5.2.4 *RPO Significant Cultural Resources*

#### Guideline for the Determination of Significance

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

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

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

This guideline is derived from the County’s Resource Protection Ordinance. The County RPO does not allow non-exempt activities or uses damaging to significant prehistoric lands on properties under County jurisdiction. The only exempt activity is scientific investigation. The

project is required to be in conformance with applicable County standards related to cultural resources, including the noted RPO criteria for prehistoric sites. Non-compliance would result in a project that is inconsistent with County standards. Any project that would have an adverse impact (direct, indirect, cumulative) on significant prehistoric resources as defined by this guideline would be considered a significant impact.

### Analysis

No sites located within the Proposed Project footprint or related off-site roadway alignments have been determined to be important or potentially important under the County RPO. Therefore, **no impact would occur to RPO significant cultural resources.**

### **2.5.3 Cumulative Impact Analysis**

According to CEQA, the importance of cultural resources stems from their research value and the information that they contain. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of that information. For sites considered less than significant, the information is preserved through recordation, test excavations and preservation of artifacts. Culturally significant sites that are placed in protected open space easements avoid direct impacts, as well as preserve potential research data. Significant sites that are not placed within open space easements and are directly impacted by the project preserve information through recordation, test excavations, and data recovery programs that would be presented in reports and filed with the County and SCIC. The prehistoric artifact collections from any potentially significant site would be curated at a federally approved curation facility, such as the San Diego Archaeological Center or a Tribal curation facility and would be available to researchers for further study. Alternatively, the prehistoric artifacts may be repatriated to a Native American Tribe of appropriate affiliation. Historic artifacts would be curated at a federally approved curation facility, such as the San Diego Archaeological Center and also would be available to researchers for further study. Because cultural resources are non-renewable in nature, it is critical that information obtained through excavation is appropriately retained and utilized.

The cumulative study area includes the area along Escondido Creek for approximately five miles upstream and downstream and was selected based on potential future research questions that could be developed within the context of subsistence and settlement models for the Proposed Project area and vicinity. Major east-west drainages were the travel corridors utilized by prehistoric occupants in their seasonal rounds. The confluences of drainages are often major habitation site locations, with associated temporary camps and resource procurement stations established on surrounding tributaries and on adjacent uplands. A drainage that runs through the Proposed Project is tributary to Escondido Creek, which is such a major east-west drainage corridor. CA-SDI-8280, CA-SDI-12209, and a number of smaller sites are found in proximity to one another a short distance upstream from Harmony Grove and from the current Project area. The numerous small sites in the vicinity and along Escondido Creek are likely associated with this habitation complex. Within the cumulative study area, site(s) CA-SDI-34, CA-SDI-5956 Locus B, CA-SDI-8280, CA-SDI-12209, CA-SDI-12578, CA-SDI-12579, and CA-SDI-16500 are CEQA significant, and at least portions of site(s) CA-SDI-34, CA-SDI-8280, and CA-SDI-12209 are both CEQA and RPO significant cultural resources because of their potential to provide important information about

scientific research questions, as well as the presence of culturally significant elements, such as pictographs, petroglyphs, or human remains. Twenty-two resources (including nine isolates) have been determined to be less than significant; the remainder of the resources in the cumulative study area has not been assessed to determine significance (or no information was available regarding significance testing). Prehistoric and historic settlement patterns can be very broad; therefore it is prudent to consider a large study area when evaluating cumulative impacts.

The cumulative projects in the vicinity of the Proposed Project are listed in Section 1.7, *List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area*, page 1-21, and are shown on Figure 1-34, *Cumulative Projects*. Four projects within the cumulative study area contain significant cultural resources and one additional projects contain potentially significant cultural sites (testing would need to be completed to determine whether the sites are significant). The remaining cultural resources in the vicinity of the project area were determined not to be significant cultural resources. The above information indicates that the cumulative impacts to cultural resources are potentially significant.

Fifty-seven cultural resources have been recorded within the cumulative impact study area, including isolated artifacts, historic resources (historic trash deposits, wells/reservoirs, farmstead properties, foundations), bedrock milling features, lithic scatters, and habitation sites that include bedrock milling, rock art, a wide variety of ground stone and flaked stone tools and Native American ceramics, as well as faunal material. Seven of these sites have been assessed as significant resources; twenty-two have been determined not to be significant. The other 27 resources either have not been assessed as to significance or no information was available regarding their significance. Impacts to significant sites on the cumulative projects list were mitigated through avoidance/preservation in open space, data recovery, and curation of cultural material collected.

The Proposed Project's impacts to cultural resources would be reduced to less than significant through mitigation measures that include data recovery, curation, and a pre-grading survey. As outlined above, the cultural resources located within the cumulative projects would be mitigated through avoidance/preservation, data recovery, and curation.

Because the proposed project and those projects identified within the cumulative impact study area are primarily mitigated by the collection and archiving of information and the preservation of the most important resources, adequate mitigation has occurred for *in situ* (in place) appreciation of and access to archived research materials for future generations. For the Proposed Project, **the contribution to the significant cumulative impact would be less than considerable** because four of the resources within the Project would be preserved in open space, one will be addressed through implementation of a data recovery program, and impacts to the other on and off-site locations have been mitigated through their documentation, curation of cultural material collected, and archiving information so it will be available for future researchers.

#### 2.5.4 Significance of Impacts Prior to Mitigation

Nine cultural resources will be impacted with the implementation of the Proposed Project. Of those sites, eight were determined to be not significant and one was determined to be CEQA significant

and not RPO significant. The relocation of bedrock milling features that would be subject to impacts from project development into open space or landscaped areas would be undertaken, where feasible, in order to preserve such features. For the most part, the bedrock milling features are on large slabs, which could not be moved in their entirety. It may be possible to cut and remove a portion of the bedrock on which milling elements are located at sites CA-SDI-17,507 and CA-SDI-17,509. It appears to be much more feasible to move certain features at CA-SDI-17,510. Often, the feasibility of moving bedrock milling features cannot be fully determined until it is attempted. Relocation would serve to preserve such features, even if they are no longer in their original spatial context.

The following potentially significant impacts could occur with Proposed Project implementation:

**Impact CR-1** Site CA-SDI-17,506, described in the Cultural Resources Inventory and Assessment (Appendix F) as a large artifact scatter with flaked stone, ground stone, and marine shell, including the presence of subsurface cultural material, was assessed as a significant resource under CEQA; however, it does not meet the requirements for significance under RPO. This site would be subject to direct impacts from Project development. Impacts to this site would represent significant environmental effects.

**Impact CR-2** There is a potential for significant direct impacts related to undiscovered buried archaeological resources on the Proposed Project site and in the related off-site roadway alignments. Impacts to these resources would represent significant environmental effects.

### 2.5.5 Mitigation

**M-CR-1** A data recovery program would be implemented at the site prior to approval of any grading or improvement plans that would cause the direct impact. The research design and data recovery plan are included as Appendix F of the Cultural Resources Inventory and Assessment. The data recovery program would be implemented prior to any grading and/or improvements and prior to the approval of the Final Map. All data recovery shall include both a Kumeyaay and a Luiseño Native American monitor.

**M-CR-2** A grading monitoring and data recovery program would be implemented to mitigate potential impacts to undiscovered buried archaeological resources on the Proposed Project site and off-site roadway alignments to the satisfaction of the Director of PDS. In addition, a pre-grading survey shall also be conducted. This program shall include, but shall not be limited to, the following actions:

- a. Provide evidence to the Department of PDS that a County approved archaeologist has been contracted to implement a grading monitoring and data recovery program, and a pre-grading survey to the satisfaction of the Director of PDS. A letter from the Principal Investigator shall be submitted to the Director of PDS. The letter shall include the following guidelines:

1. The project archaeologist shall contract with both a Kumeyaay and Luiseño Native American monitor to be involved with the grading monitoring program and pre-grading survey as outlined in the County of San Diego Report Format and Content Guidelines (2007e). This area is of importance to both the Kumeyaay and Luiseño communities; both groups should be given the opportunity to have representatives present as monitors.
2. The County approved archaeologist and Native American monitor(s) shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2007e).
3. The consulting archaeologist and Native American monitor(s) shall re-survey areas of the project site including off-site improvements as determined by the Project Archaeologist in consultation with the Native American monitor(s). The site boundaries of CA-SDI-17,506 shall be adequately defined to determine whether the site can be avoided and prevent the requirement for data recovery.
4. The archaeological monitor and Native American monitor(s) shall monitor all areas identified for development including off-site improvements.
5. An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earthmoving activities are observed and shall be onsite during all grading activities including off-site improvements.
6. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Project Archaeologist of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor(s). Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator in consultation with the Native American monitor(s).
7. Isolates and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed. Should the cultural materials of isolates and non-significant deposits not be collected by the Project Archaeologist, then the Native American monitors may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
8. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) or Native American



monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of the discovery. The Principal Investigator, in consultation with the County staff archaeologist and the Luiseño and Kumeyaay Native American monitors, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist in coordination with the Native American monitor(s) and approved by the County Archaeologist, then carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include: (1) reasonable efforts to preserve (avoidance) all cultural resources as the preferred option, (2) relocation of resources, if feasible, to open space, parks, or green space should avoidance be infeasible, (3) the capping of significant cultural resources and placement of development over the cap, if avoidance or relocation is infeasible, and (4) data recovery for non-unique cultural resources should avoidance or relocation not be feasible.

~~The Research Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) unique cultural resources pursuant to CEQA §21083.2(g) or for Sacred Sites as the preferred option (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible, and (3) data recovery for non-unique cultural resources.~~

9. If any human remains are discovered, the Property Owner or their representative shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the NAHC, shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains. All requirements of Health & Safety Code §7050.5 and Public Resources Code §5097.98 shall be followed.
10. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
11. In the event that previously unidentified cultural resources are discovered, all prehistoric cultural material collected during the survey, testing, grading monitoring, and data recovery programs shall be processed and curated at a San Diego curation facility or Tribal curation facility of appropriate affiliation that meets federal standards per 36 CFR Part 79 and, therefore,

would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that prehistoric cultural materials have been received and that all fees have been paid. Alternatively, the prehistoric and historic (if determined associated with a culturally affiliated Native American Tribe) cultural material collected may be repatriated to a Native American Tribe of appropriate affiliation, as determined by agreement among the Tribes, the Principal Investigator, and County staff.

Historic cultural material (not associated with a culturally affiliated Native American Tribe) collected during the survey, testing, grading monitoring, and data recovery programs shall be processed and curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79 and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The historic collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

12. Monthly status reports shall be submitted to the Director of PDS starting from the date of the notice to proceed to termination of implementation of the grading monitoring program and pre-grading survey. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
13. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifacts and research data within the research context shall be completed and submitted to the satisfaction of the Director of PDS prior to the issuance of any building permits. The report will include Department of Parks and Recreation Primary and Archaeological Site forms. A copy of the final report for the Archaeological Monitoring Program and Pre-Grading Survey shall be provided to the San Luis Rey Band of Mission Indians and any culturally affiliated Tribe who requests a copy.
14. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of PDS by the consulting archaeologist that the grading monitoring activities have been completed.

- b. Provide evidence to the Director of ~~PDSPublic Works (DPW)~~ that the following notes have been placed on the Grading Plan:
1. The County approved archaeologist and Native American monitor(s) shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program and pre-grading survey.
  2. The archaeological monitor and Native American monitor(s) shall monitor all areas identified for development including off-site improvements.
  3. The consulting archaeologist and Native American monitor(s) shall re-survey areas of the project site including off-site improvements as determined by the Project Archaeologist in consultation with the Native American monitor(s). The site boundaries of CA-SDI-17,506 shall be adequately defined to determine whether the site can be avoided and prevent the requirement for data recovery.
  4. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Principal Investigator of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor(s). Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator in consultation with the Native American monitor(s).
  5. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) or Native American monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of the discovery. The Principal Investigator, in consultation with the County staff archaeologist and the Luiseño and Kumeyaay Native American monitors, shall determine the significance of the discovered resources. ~~The Principal Investigator in coordination with the Native American monitor(s) shall consult with the County staff archaeologist to determine the significance of the discovered resources.~~ The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include: (1) reasonable efforts to preserve (avoidance) all cultural resources as the preferred option, (2) relocation of

~~resources, if feasible, to open space, parks, or green space should avoidance be infeasible, (3) the capping of significant cultural resources and placement of development over the cap, if avoidance or relocation is infeasible, and (4) data recovery for non-unique cultural resources should avoidance or relocation not be feasible. The Research Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) unique cultural resources pursuant to CEQA §21083.2(g) or for Sacred Sites as the preferred option (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible, and (3) data recovery for non-unique cultural resources.~~

6. The archaeological monitor(s) and Native American monitor(s) shall monitor all areas identified for development including off-site improvements.
7. If any human remains are discovered, the Property Owner or their representative shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the NAHC, shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains. All requirements of Health & Safety Code §7050.5 and Public Resources Code §5097.98 shall be followed.
8. The Principal Investigator shall submit monthly status reports to the Director of PDS starting from the date of the notice to proceed to termination of implementation of the grading monitoring program and pre-grading survey. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
9. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring and pre-grading survey activities have been completed to the satisfaction of the Director of PDS. Evidence shall be in the form of a letter from the Project Investigator.
10. Prior to Final Grading Release, submit to the satisfaction of the Director of PDS, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program and Pre-Grading Survey. A copy of the final report for the Archaeological Monitoring Program and Pre-Grading Survey shall be provided to the San Luis Rey Band of Mission Indians and any culturally affiliated Tribe who requests a copy. The report shall also include the following:

- Department of Parks and Recreation Primary and Archaeological Site forms.
- Evidence that all prehistoric cultural material collected during the survey, testing, grading monitoring, and data recovery programs has been curated at a San Diego curation facility or Tribal curation facility of appropriate affiliation that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/ researchers for further study. The prehistoric collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that prehistoric cultural materials have been received and that all fees have been paid. Alternatively, the prehistoric and historic (if determined associated with a culturally affiliated Native American Tribe) cultural material collected may be repatriated to a Native American Tribe(s) of appropriate affiliation, as determined by agreement among the Tribes, the Principal Investigator, and County staff.

Historic cultural material (not associated with a culturally affiliated Native American Tribe) collected during the survey, testing, grading monitoring, and data recovery programs shall be processed and curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79 and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

or

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of PDS by the Principal Investigator that the grading monitoring activities have been completed.

## 2.5.6 Conclusion

The Proposed Project would result in a significant and mitigable impact to one CEQA-significant archaeological site (CA-SDI-17,506) within the Project boundary (Impact CR-1). This impact would be reduced to a less than significant level through implementation of a data recovery program at the site (M-CR-1) prior to approval of any grading and/or improvement plans that would cause the direct impact or prior to the approval of the Final Map. The research design and data recovery plan are included as Appendix F of the *Cultural Resources Inventory and Assessment*. All data recovery shall include a Kumeyaay and a Luiseño Native American monitor.

There is a possibility that potential unknown buried CEQA-significant cultural sites could be discovered during on- and off-site grading activities (Impact CR-2). Mitigation measure M-CR-2 discussed above (a grading monitoring and data recovery program) would be implemented to mitigate potential impacts to undiscovered buried archaeological resources on the Proposed Project site and associated off-site roadway alignments.

Implementation of the above-described monitoring program (M-CR-1 through M-CR-2) would ensure that no significant impacts to prehistoric or historic resources would occur as a result of Proposed Project development, thereby also ensuring compliance with CEQA, the County of San Diego Report Format and Content Guidelines – Cultural Resources (December 5, 2007), and California Government Code Section 65352.3 (Senate Bill 18). Implementation of these mitigation measures would reduce the potentially significant impacts to less than significant levels because they would ensure that relevant information contained in the archaeological record, which is important in understanding prehistory and history, is preserved.

<b>Table 2.5-1                      ARCHAEOLOGICAL RESOURCES WITHIN THE PROJECT AREA</b>		
<b>CA-SDI-#</b>	<b>Tested?</b>	<b>Significance Evaluation</b>
17,506	Yes	Significant under CEQA and County Guidelines; not RPO-significant
17,507	Yes	Not CEQA or RPO significant
17,508	Yes	Not CEQA or RPO significant
17,509	Yes	Not CEQA or RPO significant
17,510	Yes	Not CEQA or RPO significant
20,762	Yes	Not CEQA or RPO significant
20,763	Yes	Not CEQA or RPO significant
20,858	Yes	Not CEQA or RPO significant
20,859	Yes	Not CEQA or RPO significant
<b>P-37-#</b>	<b>Evaluated</b>	<b>Significance Evaluation</b>
026709	NA – isolate	Not CEQA or RPO significant
026762	Yes	Not CEQA or RPO significant
033262	Yes	Not CEQA or RPO significant
Valiano Off-site Isolate <sup>1</sup>	NA – isolate	Not CEQA or RPO significant

<sup>1</sup> A “P” number is pending from the SCIC.

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