

2.14 Tribal Cultural Resources

This section provides a discussion of existing conditions for tribal cultural resources (TCRs) located within the county, and the potential effects that implementation of the project may have on these resources. TCRs were established as a new class of resources under CEQA with the passage of Assembly Bill (AB) 52 in September 2014 and were added to the list of resources that require analysis under CEQA on July 1, 2015. The 2011 GPU PEIR did not evaluate TCRs, because there was no requirement to consult with tribes to identify TCRs at that time. Nevertheless, because this analysis is subsequent to the adopted 2011 GPU PEIR, the evaluation of impacts focuses on the potential for implementation of the CAP Update to result in new or substantially more severe impacts than presented in the 2011 GPU PEIR, given the changes to the General Plan proposed by the CAP Update and changes in environmental and regulatory conditions that have occurred since certification of the GPU PEIR.

Table 2.14-1 summarizes the impact conclusions reached in the 2011 GPU PEIR and identifies if a new or more severe significant impact would occur with implementation of the proposed project. As indicated below, implementation of the proposed project would result in new or more severe significant impacts related to TCRs.

Table 2.14-1 Summary of Tribal Cultural Resources–Related Impacts

Issue Number	Issue Topic	Determination from 2011 GPU PEIR	CAP Update SEIR Determination	
			New or More Severe Significant Impact Prior to Mitigation	New or More Severe Significant Impact After Mitigation
1	Tribal Cultural Resources	General Plan Only: Not Analyzed	CAP Update Only: Yes	CAP Update Only: Yes
		General Plan Cumulative Contribution: Not Analyzed	CAP Update Cumulative Contribution: Yes	CAP Update Cumulative Contribution: Yes

Notes: CAP = Climate Action Plan; GPU = General Plan Update; PEIR = Program Environmental Impact Report; SEIR = Supplemental Environmental Impact Report.

Source: Compiled by Ascent Environmental in 2023.

Two comment letters regarding cultural resources were received in response to the Notice of Preparation (NOP). The San Pasqual Band of Mission Indians and the Rincon Band of Luiseño Indians requested tribal monitoring for activities in traditional use areas. Copies of the NOP and comment letters received in response to the NOP are included in Appendix A of this draft SEIR.

2.14.1 Existing Conditions

The definition of “tribal cultural resources” in the CEQA statute (Section 21074) includes sites, features, places, cultural landscapes, sacred places, and objects of cultural value that are either included in or eligible for listing on the California Register of Historical

Resources (CRHR), included in a local register of historical resources, or determined by the lead agency to be significant based on substantial evidence. They may include:

- **Resource Collection Location:** This is a location where Native Americans have historically gone, and are known or believed to go today, to collect resources in accordance with traditional cultural rules of practice.
- **Spiritual Location:** This is a location where Native American religious practitioners have historically gone, and are known or believed to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice.
- **Traditional Location:** This is a location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world.
- **Cemetery:** A cemetery is a location that has been selected for human burial or interment.

Additionally, different types of archaeological resources may also be TCRs; they include the following features:

- **Village Site:** Village sites are locations of continuous and concentrated habitation that typically have a large, well-developed midden deposit containing abundant artifactual evidence. They may also contain burials, rock art, bedrock milling stations, or other features.
- **Burial Site:** A burial site or cemetery is a location where intentional human interments may be found in large numbers and close concentration. These locations typically lack evidence of other prehistoric activities.
- **Milling Site:** This is a boulder or group of boulders or bedrock outcrops that contain at least one modified surface (mortar, slick, or metate) caused by the processing of food or other natural resources.
- **Lithic Workshop:** A lithic workshop is a distribution of stone flakes and tool fragments reflecting purposeful modification of parent stone through percussion and/or pressure detachment.
- **Shell Middens:** Shell middens are locations with large amounts of marine shell that extend to an appreciable depth below ground surface. They are normally found in coastal contexts but have been found in the interior.
- **Rock Art:** Rock art consists of designs or design elements on rock surfaces created by surface applications (pictographs) or by etching (petroglyphs).
- **Rock Shelters:** These are natural caves or crevices in rock outcrops in which human use has left artifactual remains.

California Native American tribes culturally affiliated with the unincorporated county that had previously requested to be notified of projects subject to AB 52 consultation have been contacted for input regarding the potential impacts the project would have on TCRs.

The following tribal representatives were contacted on June 21, 2021, by email and/or on June 23, 2021, by certified mail:

- Barona Group of the Capitan Grande, Art Bunce
- Campo Kumeyaay Nation, Jonathan Meza
- Jamul Indian Village, Lisa Cumper, Tribal Historic Preservation Officer
- Kwaaymii Band of Mission Indians, Carmen Lucas
- Manzanita Band of the Kumeyaay Nation, Angela Elliott-Santos, Chairperson, and Lisa Haws
- Pala Band of Mission Indians, Shasta Gaughen, Tribal Historic Preservation Officer
- Pechanga Band of Mission Indians, Juan Ochoa, Assistant Tribal Historic Preservation Officer; Michele Fahley, Counsel; and Ebru Ozdil
- Rincon San Luiseno Band of Mission Indians, Cheryl Madrigal
- San Luis Rey Band of Mission Indians, Cami Mojado
- San Pasqual Band of Mission Indians, Angelina Guitierrez
- Lipay Nation of Santa Ysabel, Virgil Perez, Chairperson
- Soboba Band of Mission Indians, Joseph Ontiveros
- Sycuan Band of the Kumeyaay Nation, Cody Martinez, Chairperson; Adam Day, Chief Administrative Officer; and Kristie Orosco
- Viejas Band of Kumeyaay Indians, Ernest Pingleton, and Ray Teran

The Viejas Band of Kumeyaay Indians and the Rincon Band of Luiseño Indians have requested consultation. Meetings with the Viejas Band of Kumeyaay Indians took place on July 28, 2021; October 27, 2021; and September 21, 2022. Meetings with the Rincon Band of Luiseño Indians took place on September 2, 2021; December 2, 2021; March 15, 2022; October 12, 2022; March 20, 2023; April 24, 2023; June 20, 2023; and August 7, 2023. Consultation has been concluded with both tribes.

Although the region is known to contain sensitive TCRs, the consultation did not result in the identification of any known TCRs.

2.14.2 Regulatory Framework

Since the certification of the 2011 GPU PEIR in August 2011, new regulations pertaining to TCRs have been adopted and are described below.

2.14.2.1 Federal

No federal regulations pertain to TCRs.

2.14.2.2 State

California Register of Historical Resources

The CRHR is a listing 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 National Register of Historic Places (NRHP). In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria 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 four 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 one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP: location, design, setting, materials, workmanship, feeling, and associations.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "tribal cultural resources." CEQA Section 21084.2 establishes 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." AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in CEQA Section 21074.

CEQA Section 21074 states:

- a) “Tribal cultural resources” are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Pursuant to CEQA Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration. CEQA Sections 21080.3.1 and 21080.3.2 state that within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency’s jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR, or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the lead agency determines that a project may cause a substantial adverse change to a TCR, and measures are not otherwise identified in the consultation process, provisions under CEQA Section 21084.3(b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

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 Native American Heritage Commission (NAHC).

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (Public Resources Code 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 NAHC, which notifies (and has the authority to designate) the most likely descendants of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Public Resources Code Section 5097

Public Resources Code Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American human burials falls within the jurisdiction of the 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.

2.14.2.3 Local

2011 San Diego County General Plan

TCRs were added to CEQA as an environmental topic in 2015; therefore, the General Plan does not contain policies that are specific to TCRs. The following cultural resources policies that were adopted as part of the General Plan are generally related to TCRs and are applicable to the CAP Update:

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-7.6: 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.

2011 San Diego County GPU PEIR

The following mitigation measures from the 2011 GPU PEIR are applicable to the CAP Update:

Adopted Mitigation Measure Cul-2.2: Facilitate the identification and acquisition of important resources through collaboration with agencies, tribes, and institutions, such as the South Coast Information Center (SCIC), while maintaining the confidentiality of sensitive cultural information.

Adopted Mitigation Measure Cul-2.4: Protect significant cultural resources through regional coordination and consultation with the NAHC and local tribal governments, including SB-18 review.

Adopted Mitigation Measure Cul-2.5: Protect undiscovered subsurface archaeological resources by requiring grading monitoring by a qualified archaeologist and a Native American monitor for ground disturbing activities in the vicinity of known archaeological resources, and also, when feasible, during initial surveys.

Adopted Mitigation Measure Cul-2.6: Protect significant cultural resources by facilitating the identification and acquisition of important resources through

regional coordination with agencies, and institutions, such as the South Coast Information Center (SCIC) and consultation with the Native American Heritage Commission (NAHC) and local tribal governments, including SB-18 review, while maintaining the confidentiality of sensitive cultural information.

Adopted Mitigation Measure Cul-4.1: Include regulations and procedures for discovery of human remains in all land disturbance and archaeological-related programs. Ensure that all references to discovery of human remains promote preservation and include proper handling and coordination with Native American groups. Apply appropriate mitigation when impacts are significant.

2.14.3 Analysis of Effects and Significance Determinations

2.14.3.1 Significance Criteria

Based on Appendix G of the State CEQA Guidelines, the project would result in a significant impact on TCRs if it would:

- cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
 - ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

2.14.3.2 Approach to Analysis

Impacts related to TCRs are analyzed qualitatively based on a review of the CAP Update measures and actions and their potential to result in physical changes to the environment if the CAP Update is approved and implemented. Each issue area was analyzed in the context of existing laws and regulations, as well as policies adopted in the General Plan, and the extent to which these existing regulations and policies adequately address and minimize the potential for impacts associated with implementation of the CAP Update. Because this SEIR tiers from the 2011 GPU PEIR, all relevant 2011 GPU PEIR mitigation measures are applicable to the proposed project as needed to avoid or minimize project impacts and are considered part of the proposed CAP Update.

Scope of SEIR Impact Analysis

The CAP Update identifies strategies, measures, and supporting actions (referred to herein as measures and actions) to demonstrate progress toward established GHG reduction targets. Because these measures and actions represent the components of the CAP Update that could result in physical environmental effects within the unincorporated county, this analysis focuses on the impact of their implementation. The project and cumulative impact analysis study area for TCRs was not addressed in the 2011 GPU PEIR because TCRs were not identified as an environmental resource topic until 2015. For this project, the cumulative area would be the county because TCRs could be located throughout the county outside the traditionally affiliated land of the tribes requested consultation.

The analysis in this draft SEIR is programmatic. Implementation of all CAP Update measures and actions were considered during preparation of this draft SEIR, to the degree specific information about their implementation is known. Because future projects consistent with the CAP Update have yet to be specifically defined, this SEIR considers the types of impacts that could occur with implementation of future projects consistent with the proposed GHG reduction measures and actions. Future discretionary projects consistent with the CAP Update would be evaluated by the County to determine if they are within the scope of this SEIR or if they result in project-specific impacts additional to what is concluded in this analysis. If additional impacts would result, subsequent CEQA documentation would be required to evaluate impacts, determine mitigation, and conclude whether impacts are reduced to a less-than-significant level.

Proposed CAP Update Strategies

As described in Chapter 1, “Project Description,” the overarching strategies and associated measures and actions, proposed in the CAP Update (see Table 1-2) have been grouped into categories for the purpose of analysis, based on the sector they target (e.g., solid waste, water/wastewater). CAP Update actions and measures that would have the potential to affect TCRs are provided below. CAP Update actions and measures that would involve development of policies and programs that would not result in direct physical effects or those that would result in limited physical improvements to existing development are not discussed further because these actions and measures would not have potential to result in new or more severe impacts related to TCRs.

Solid Waste Measures and Actions. This category includes strategies to increase solid waste diversion and availability of sustainable solid waste facilities in County operations and within the unincorporated county. Key actions with potential to result in new or more severe impacts related to TCRs include those that could indirectly result in the development of new or expanded recycling and composting facilities (Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b).

Water and Wastewater Measures and Actions. This category includes strategies to decrease potable water consumption and increase stormwater collection, water pumping, and wastewater treatment in County operations and the unincorporated county. Key

actions with potential to result in new or more severe impacts related to TCRs include those that would result in the construction of new water efficiency and stormwater capture and reuse infrastructure (Actions W-1.1, W-2.2, W-2.3, and W-2.4).

Agriculture and Conservation Measures and Actions. This category includes strategies to preserve natural and agricultural lands, improve land management practices, and support climate-friendly farming practices. These measures and actions are not expected to result in new or more severe impacts related to TCRs. Rather, actions that would result in the acquisition and management of conservation lands (Actions A-1.1, A-1.2, A-1.2a, A-3.1, and A-4.1) would have potential to benefit TCRs. This category also includes an action that would evaluate opportunities for the construction of farmworker housing (Action A-4.1.b).

Energy Measures and Actions. This category includes strategies to increase building energy efficiency, renewable energy, and electrification in County operations and the unincorporated county. Key actions with potential to result in new or more severe impacts related to TCRs include those that could result in the construction of new infrastructure to meet the renewable energy use and electrification objectives of the CAP Update (Actions E-1.1 and E-3.3). Action E-3.3 would require the County to develop a program to provide the unincorporated area with 100 percent renewable energy from San Diego Community Power by 2030. This action may indirectly result in the construction of large-scale renewable energy infrastructure.

Built Environment and Transportation Measures and Actions. This category includes strategies to decarbonize the County's vehicle fleet, support active transportation, and reduce single-occupancy vehicle trips. Key actions with potential to result in new or more severe impacts related to TCRs include those that would result in the construction of new electric vehicle charging stations (Action T-3.1) and hydrogen fueling infrastructure (Action T-3.1.a).

2.14.3.3 Issue 1: Substantial Adverse Change in the Significance of Tribal Cultural Resources

Guidelines for Determination of Significance

TCRs are nonrenewable and, therefore, cannot be replaced. The project would have a significant effect if it would cause a substantial adverse change in the significance of a TCR, defined in CEQA Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:

- listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1(c). In applying the criteria set forth in Public Resources Code

Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

Impact Analysis

2011 GPU PEIR Determination

TCRs were added through AB 52 as a resource subject to review under CEQA, effective July 1, 2015. The 2011 GPU PEIR did not evaluate impacts to these resources because it was adopted before this requirement. Nevertheless, specific General Plan policies that are related to tribes and TCRs are listed above under Section 2.14.2, “Regulatory Framework.” 2011 GPU PEIR mitigation measures that are protective of TCRs are listed below in Section 2.14.5, “Mitigation Measures.”

CAP Update Impact Analysis

Solid Waste Measures and Actions

This category includes strategies to increase solid waste diversion and availability of sustainable solid waste facilities in County operations and within the unincorporated county. Key actions with potential to result in new or more severe impacts related to TCRs include those that would result in the development of new or expanded recycling and composting facilities (Actions SW-1.1, SW-2.1, SW-4.1a, and SW-4.1b).

No known TCRs have been identified during consultation with affiliated tribes. Implementation of GHG reduction measures and supporting efforts listed above would result in the implementation of a variety of measures and actions to reduce GHG emissions. Some of these measures and actions would result in the construction of new facilities and infrastructure, the placement of structures, and the excavation of earthen materials. While no TCRs have been identified through consultation with affiliated tribes, it is possible that unknown TCRs may be present and could be adversely affected by implementation of measures and strategies associated with the project. While adopted General Plan policies and mitigation measures identified in the 2011 GPU PEIR do not specifically address TCRs, they do include identification efforts, Native American monitoring, and coordination with the NAHC and local tribes (see Adopted Mitigation Measures Cul-2.2, Cul-2.4, Cul-2.5, Cul-2.6, and Cul-4.1). Additionally, tribal consultation has resulted in CAP Update Mitigation Measure TCR-1 which requires development to avoid tribal cultural resources or to mitigate impacts to tribal cultural resources pursuant to CEQA Sections 21080.3.1 and 21084.3. These mitigation measures would be applied to future projects associated with the CAP Update to avoid or minimize impacts on TCRs.

Furthermore, California law recognizes the need to identify and protect TCRs; the procedures for the treatment of Native American resources are contained in CEQA Sections 21080.3.1 and 21084.3, which states the following:

- Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency’s jurisdiction. If it

wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR, or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

- Public agencies shall, when feasible, avoid damaging effects to any TCR (CEQA Section 21084.3[a]). If the lead agency determines that a project may cause a substantial adverse change to a TCR, and measures are not otherwise identified in the consultation process, new provisions in the CEQA describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (CEQA Section 21084.3[b]). Examples include:
 - (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource
 - (B) Protecting the traditional use of the resource
 - (C) Protecting the confidentiality of the resource.
 - (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - (4) Protecting the resource.

Compliance with California CEQA Sections 21080.3.1 and 21084.3 would provide an opportunity to avoid or minimize the disturbance of TCRs through tribal consultation and CEQA review procedures. Additionally, future discretionary projects would be required to be evaluated to determine if they are within the scope of this SEIR, or if project-specific impacts would require subsequent CEQA documentation; this could also include subsequent tribal consultation under AB 52. If a determination is made during subsequent CEQA analysis that potentially significant impacts would result from the implementation of projects implemented consistent with the CAP Update, then all feasible mitigation would be required to be implemented in accordance with State CEQA Guidelines Section 15126.4. While mitigation would be recommended to reduce or avoid a project's impacts to TCRs, it may be infeasible to fully mitigate the impact to a less-than-significant level because of the location, size, and magnitude of the development associated with required measures and supporting efforts. Impacts would be potentially significant.

Water and Wastewater Measures and Actions

This category includes strategies to decrease potable water consumption and increase stormwater collection, water pumping, and wastewater treatment in County operations and the unincorporated county. Key actions with potential to result in new or more severe impacts related to TCRs include those that would result in the construction of new recycled water and stormwater capture and reuse infrastructure (Actions W-1.1, W-2.2, W-2.3, and W-2.4).

As described above, compliance with CEQA Sections 21080.3.1 and 21084.3 would provide an opportunity to avoid or minimize the disturbance of TCRs through tribal consultation and CEQA review procedures. While mitigation would be recommended to reduce or avoid a project's impacts to TCRs, it may be infeasible to fully mitigate the impact to a less-than-significant level because of the location, size, and magnitude of the development associated with required measures and supporting efforts. Impacts would be potentially significant.

Agriculture and Conservation Measures and Actions

This category includes strategies to preserve natural and agricultural lands, improve land management practices, and support climate-friendly farming practices. Therefore, the measures and actions are not expected to result in new or more severe impacts related to TCRs. Rather, actions that would result in the acquisition and management of conservation lands (Actions A-1.1, A-1.2, A-1.2a, A-3.1, and A-4.1) would have potential to benefit TCRs. Implementation of Action A-4.1b would have the potential to indirectly result in new farmworker housing in the unincorporated county; this has the potential to result in new or more severe impacts related to TCRs.

As described above, compliance with CEQA Sections 21080.3.1 and 21084.3 would provide an opportunity to avoid or minimize the disturbance of TCRs through tribal consultation and CEQA review procedures. While mitigation would be recommended to reduce or avoid a project's impacts to TCRs, it may be infeasible to fully mitigate the impact to a less-than-significant level because of the location, size, and magnitude of the development associated with required measures and supporting efforts. Impacts would be potentially significant.

Energy Measures and Actions

This category includes strategies to increase building energy efficiency, renewable energy, and electrification in County operations and the unincorporated county. Key actions with potential to result in new or more severe impacts related to TCRs include those that would result in the construction of new infrastructure to promote renewable energy use and electrification (Actions E-1.1 and E-3.3).

As described above, compliance with CEQA Sections 21080.3.1 and 21084.3 would provide an opportunity to avoid or minimize the disturbance of TCRs through tribal consultation and CEQA review procedures. While mitigation would be recommended to reduce or avoid a project's impacts to TCRs, it may be infeasible to fully mitigate the

impact to a less-than-significant level because of the location, size, and magnitude of the development associated with required measures and supporting efforts. Impacts would be potentially significant.

Built Environment and Transportation Measures and Actions

This category includes strategies to decarbonize the County's vehicle fleet, support active transportation, and reduce single-occupancy vehicle trips. Key actions with potential to result in new or more severe impacts related to TCRs include those that would result in the construction of new electric vehicle charging stations (Actions T-3.1) and hydrogen fueling infrastructure (Action T-3.1.a). Some of these measures and actions would result in the construction of new facilities and infrastructure, the placement of structures, and the excavation of earthen materials.

As described above, compliance with CEQA Sections 21080.3.1 and 21084.3 would provide an opportunity to avoid or minimize the disturbance of TCRs through tribal consultation and CEQA review procedures. While mitigation would be recommended to reduce or avoid a project's impacts to TCRs, it may be infeasible to fully mitigate the impact to a less-than-significant level because of the location, size, and magnitude of the development associated with required measures and supporting efforts. Impacts would be potentially significant.

Summary

Adopted 2011 GUP PEIR Mitigation Measures Cul-2.2, Cul-2.4, Cul-2.5, Cul-2.6, and Cul-4.1 include identification efforts, Native American monitoring, and coordination with the NAHC and local tribes. Additionally, tribal consultation has resulted in CAP Update Mitigation Measure TCR-1 which requires development to avoid tribal cultural resources or to mitigate impacts to tribal cultural resources pursuant to CEQA Sections 21080.3.1 and 21084.3. Compliance with CEQA Sections 21080.3.1 and 21084.3 would require tribal consultation and provide an opportunity to avoid or minimize project impacts to TCRs. However, because the specific location of projects associated with CAP Update implementation are not known and because they could be implemented in areas where TCRs are present; project impacts would be **significant (Impact TCR-1)**. Implementation of the CAP Update **would result in a new impact** not disclosed in the 2011 GPU PEIR.

2.14.3.4 Cumulative Impact Analysis

The cumulative impact analysis study area for TCRs was not addressed in the 2011 GPU PEIR because TCRs were not identified as an environmental resource topic until 2015. The cumulative study area for TCRs is the traditionally affiliated land for any tribe requesting consultation. For this project, the cumulative area would be the county because TCRs could have the potential to occur throughout the county outside tribal lands. The scope and approach to the cumulative impact analysis are described in the "Cumulative Impact Assessment Overview" section in the introduction to this chapter.

Issue 1: Substantial Adverse Change in the Significance of Tribal Cultural Resources

The cumulative context for TCRs is the county. Past development in the county has resulted in the conversion of undeveloped land to urban land uses, thereby changing the landscape and context in which TCRs exist and resulting in an overall reduction in TCRs. This is a significant cumulative impact in the cumulative condition.

The project in combination with cumulative development could result in new development that could result in adverse impacts to known and unknown TCRs. As described above, while compliance with CEQA Sections 21080.3.1 and 21084.3 would require tribal consultation and provide an opportunity to avoid or minimize the disturbance of TCRs, because of the location, size, and magnitude of the development associated with the proposed measures and supporting efforts, it may be infeasible to fully mitigate the impact to a less-than-significant level. The project would result in a considerable contribution to an existing cumulative effect. There would be a new **significant impact (Impact C-TCR-1)**. Implementation of the CAP Update **would result in a new impact** not disclosed in the 2011 GPU PEIR.

2.14.4 Summary of New or More Severe Significant Impacts

The proposed project and the cumulative effects of the proposed project in conjunction with subsequent projects in the county would result in potentially significant direct and cumulative impacts to TCRs.

Impact-TCR-1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource. Implementation of the CAP Update could include measures and strategies located in areas where TCRs may be present. It may be infeasible to fully mitigate the impact to a less-than-significant level because of the location, size, and magnitude of the development associated with the proposed measures and supporting efforts. This would be considered a significant impact.

Impact-C-TCR-1: Result in a Cumulatively Considerable Contribution to a Substantial Adverse Change in the Significance of a Tribal Cultural Resource. The project would have potentially significant impacts related to TCRs. Therefore, the proposed project's contribution to this impact would be cumulatively considerable.

2.14.5 Mitigation Measures

2.14.5.1 Issue 1: Substantial Adverse Change in the Significance of Tribal Cultural Resources

The following mitigation measures applicable to TCRs that were adopted as part of the 2011 GPU PEIR and are applicable to the project include the following:

Adopted Mitigation Measure Cul-2.2: Facilitate the identification and acquisition of important resources through collaboration with agencies, tribes, and institutions,

such as the South Coast Information Center (SCIC), while maintaining the confidentiality of sensitive cultural information.

Adopted Mitigation Measure Cul-2.4: Protect significant cultural resources through regional coordination and consultation with the NAHC and local tribal governments, including SB-18 review.

Adopted Mitigation Measure Cul-2.5: Protect undiscovered subsurface archaeological resources by requiring grading monitoring by a qualified archaeologist and a Native American monitor for ground disturbing activities in the vicinity of known archaeological resources, and also, when feasible, during initial surveys.

Adopted Mitigation Measure Cul-2.6: Protect significant cultural resources by facilitating the identification and acquisition of important resources through regional coordination with agencies, and institutions, such as the South Coast Information Center (SCIC) and consultation with the Native American Heritage Commission (NAHC) and local tribal governments, including SB-18 review, while maintaining the confidentiality of sensitive cultural information.

Adopted Mitigation Measure Cul-4.1: Include regulations and procedures for discovery of human remains in all land disturbance and archaeological-related programs. Ensure that all references to discovery of human remains promote preservation and include proper handling and coordination with Native American groups. Apply appropriate mitigation when impacts are significant.

The County shall incorporate the following measures into the CAP SEIR Mitigation Monitoring and Reporting Program:

CAP Update Mitigation Measure TCR-1: Require development to avoid tribal cultural resources, if feasible. If complete avoidance is not possible, require development to mitigate impacts to tribal cultural resources pursuant to Assembly Bill 52 and CEQA Sections 21080.3.1 and 21084.3.

2.14.6 Significance Conclusions

2.14.6.1 Issue 1: Substantial Adverse Change in the Significance of Tribal Cultural Resources

No other feasible project-related mitigation beyond existing federal and state permitting requirements and compliance with the above 2011 GPU PEIR mitigation is available and could be applied to individual projects under the CAP Update. Where a project complies with existing regulations and above mitigation, it would reduce its project-specific impacts to a less-than-significant level and would reduce its contribution to cumulative impacts such that it would not be considerable. However, because the reduction of impacts to a less-than-significant level cannot be guaranteed, the project would have a **significant and unavoidable impact** and **would result in a considerable contribution** to a significant cumulative impact related to TCRs.