

2.2 Cultural Resources

This section provides a Project-specific analysis of the potential impacts to cultural (historical and archaeological) resources from implementation of the Project. The potential historical and archaeological resource impacts are evaluated in a report titled “Cultural Resources Study for Questhaven 64 Project” prepared by Brian F. Smith and Associates (BFSA) in February 2021 and appended to this EIR as *Appendix C1*. An NOP for the Project was released for public review on September 1, 2022 and an EIR Scoping Meeting was held on September 20, 2022. Six comment letters related to tribal cultural resources were received. The Campo Band of Mission Indians (received September 14, 2022), the Barona Band of Mission Indians (received September 8, 2022), The Rincon Band of Luiseño Indians (received September 27, 2024), the San Pasqual Band of Mission Indians (received September 20, 2022), and the Agua Caliente Band of Cahuilla Indians (received September 26, 2022) requested tribal consultation. The Native American Heritage Commission (received September 9, 2022) noted that the Project is subject to AB 52.

It should be noted that confidential information has been redacted from *Appendix C1* for purposes of public review. In addition, much of the written and oral communication between Native American tribes, the County of San Diego, and BFSA is considered confidential in respect to places that have traditional tribal cultural significance (Gov. Code § 65352.4), and although relied upon in part to inform the preparation of this EIR section, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (Cal. Code Regs. § 15120(d)).

2.2.1 Existing Conditions

The Project site is located south of San Marcos Creek and San Elijo Road and primarily includes gently sloping to steep terrain that ranges from relatively flat near the northern boundary to ridges and hillsides near the property’s southern boundary. Topographic elevations within the Project site range from a low elevation of 490 above mean sea level (amsl) in the southeastern drainage to a high of 930 amsl near the southwestern property boundary. Overall, the Project site gently slopes upward from north to southwest. The property is currently undeveloped and has been previously disturbed by the establishment of dirt roads, agricultural uses, general weed abatement activity, and the construction of roads to the north and east. The least amount of disturbance was noted in the southwestern portion of the site.

The Project site is within the Kumeyaay and Luiseño traditional use areas. Three resources (SDI-9847, SDI-11,442, and SDI-22924) were identified within the Project area of potential effect (APE) through the records search and the field survey. Two resources (SDI-9847 and SDI-11,442) could not be located during the survey and were determined to be no longer existent. Archaeological resources and historic resources are located in the vicinity of the Project site and include prehistoric quarries, prehistoric habitation sites, bedrock milling feature sites, lithic scatters, historic road alignment segment, historic rock retaining wall, and historic mine. For a background context of the cultural history for the Project

site and surrounding area, see refer to the Project's Cultural Resource Study included in this EIR as *Appendix C1*.

Archaeological Resources Context

For the region, it is generally accepted that the earliest identifiable culture in the archaeological record is represented by the material remains of the Paleo Indian Period San Dieguito Complex. The San Dieguito Complex was thought to represent the remains of a group of people who occupied sites in this region between 10,500 and 8,000 years before present (YBP), and who were related to or contemporaneous with groups in the Great Basin. For additional information regarding the archaeological resources context, please refer to the Project's Cultural Resources Study, included in this EIR as *Appendix C1*.

Historical Context

San Diego County followed the settlement patterns of California from the 1530s to the early twentieth century. Refer to Technical Appendix C1 for more information. During the first two decades of the twentieth century, the population of San Diego County continued to grow. The population of the inland county declined during the 1890s, but between 1900 and 1910, it rose by about 70 percent. The pioneering efforts were over, the railroads had broken the relative isolation of southern California, and life in San Diego County became similar to other communities throughout the west. After World War I, the history of San Diego County was primarily determined by the growth of San Diego Bay. During this time period, the history of inland San Diego County was subsidiary to that of the City of San Diego, which became a Navy center and industrial city (Heiges 1976). In inland San Diego County, agriculture specialized and recreational areas were established in the mountain and desert areas.

2.2.1.1 Methodology

The cultural resources study appended to this EIR as *Appendix C1* includes the results of an institutional records search, an intensive historic and archaeological resource survey of the Project site, and the detailed recordation of all identified archaeological sites. This study was conducted in conformance with County of San Diego environmental guidelines, Section 21083.2 of the California PRC, and CEQA. Statutory requirements of CEQA (Section 15064.5) were followed for the identification of each cultural resource, in addition to the County of San Diego RPO. Specific definitions for archaeological resource type(s) used in *Appendix C1* and this EIR section are those established by the State Historic Preservation Office (SHPO 1995).

Records Search

An archaeological records search for a one-mile radius around the Project site was conducted by the South Coastal Information Center (SCIC) at San Diego State University (SDSU). The SCIC reported that 20 archaeological sites were recorded within the one-mile search radius around the Project site, with two sites recorded within the Project boundaries, which are described below. The remaining 18

cultural resource locations include one historic road alignment segment, one historic rock retaining wall, one historic mine, three prehistoric quarries, two prehistoric habitation sites, five bedrock milling feature sites, and five lithic scatters.

Field Investigation

The information below provides the pertinent field results for the evaluation of significance of the Project's potential impacts to cultural resources. A testing program was implemented for archaeological resource sites that were previously recorded and for previously unrecorded sites in accordance with County of San Diego guidelines and site evaluation protocols on June 24, 2020. Alyssa Contreras, a Kumeyaay Native American representative from Red Tail Environmental was involved in the testing program. The potential for subsurface deposits was assessed through shovel test pit (STP) excavations at SDI-9847, SDI-11,442, and SDI-22,924. No significant historical resources were identified as being located on the Project site in the records search and during field surveys.

Site SDI-9847

Site SDI-9847 is located on the Project site and was originally recorded as an artifact scatter of five flake-based tools and one piece of debitage by Craig F. Woodman in 1983. The site location was revisited by BFSa during the current survey, but the cultural materials were not relocated. To determine if cultural resources had been buried or masked within the mapped location of the resource, five STPs were excavated to 50 centimeters across the site. The diameter of each STP averaged about 30 centimeters. No prehistoric or historic artifacts were recovered, and no culturally modified soil was observed.

The native soil across Site SDI-9847 includes a compact, brown, silty clay ranging between zero and 50 centimeters in depth, which became more compacted in the lower levels. Since no artifacts were recovered and no culturally modified soil was observed, the results of the subsurface excavations indicate that there is no subsurface component to the site. The testing program provided limited information, which facilitated the evaluation of SDI-9847 as a location of limited archaeological significance, as defined by the County of San Diego Archaeological and Historic Resources Guidelines. The site does not represent the level of focused prehistoric activity that would correspond to a prehistoric occupation site. Instead, the site is classified as a previously impacted artifact scatter that no longer retains a surface component, displays no evidence of a subsurface component, exhibits reduced integrity due to use of the land, and, therefore, no residual research potential following the data collection efforts during the current testing program. Site SDI-9847 is not a significant resource as defined by CEQA.

Site SDI-11,442

Site SDI-11,442 is located on the Project site and was previously recorded as a multicomponent site that included a prehistoric temporary camp with shell, lithics, and tools, as well as a historic refuse scatter (Pignuolo and Gallegos 1990). Site SDI-11,442 was revisited by PanGIS, Inc. in 2015 (Cordova 2015),

who was only able to relocate the historic refuse scatter. The site location was revisited by BFSA during the current survey, but no cultural materials were relocated. In order to determine if cultural resources had been buried or masked within the mapped location of the resource, four STPs were excavated to 50 centimeters across the site. The diameter of each STP averaged about 30 centimeters. No prehistoric or historic artifacts were recovered, and no culturally modified soil was observed.

The native soil across the site includes a compact, brown, silty clay with intermittent nodules ranging between zero and 50 centimeters in depth, which became more compacted in the lower levels. Since no artifacts were recovered and no culturally modified soil was observed, the results of the subsurface excavations indicate that there is no subsurface component to the site. The testing program provided limited information, which facilitated the evaluation of the portion of SDI-11,442 recorded within the Project site as a location of limited archaeological significance, as defined by the County of San Diego Archaeological and Historic Resources Guidelines. The site does not represent the level of focused prehistoric activity that would correspond to a prehistoric occupation site. Instead, the site is classified as a previously impacted habitation site that no longer retains a surface component, displays no evidence of a subsurface component, exhibits reduced integrity due to use of the land, and, therefore, no residual research potential following the data collection efforts during the current testing program. Site SDI-11,442 is not a significant resource as defined by CEQA.

Site SDI-22,924

Site SDI-22,924 was identified by BFSA as part of the field survey conducted in 2020/21. The site consists of two pieces of debitage and a lithic adze. In order to test the presence or absence of a subsurface component, five STPs were excavated to 50 centimeters across the site. The diameter of each STP averaged about 30 centimeters. No prehistoric or historic artifacts were recovered, and no culturally modified soil was observed.

The native soil across the site includes a compact, pale brown, silty clay with intermittent, sub-angular nodules ranging between zero and 50 centimeters in depth, which became more compacted in the lower levels. Since no artifacts were recovered and no culturally modified soil was observed, the results of the subsurface excavations indicate that there is no subsurface component to the site. The testing program has provided limited information, which facilitated the evaluation of SDI-22,924 as a location of limited archaeological significance, as defined by the County of San Diego Archaeological and Historic Resources Guidelines. The site does not represent the level of focused prehistoric activity that would correspond to a prehistoric occupation site. Instead, the site is classified as a limited artifact scatter that retains a limited surface component, displays no evidence of a subsurface component, exhibits reduced integrity due to use of the land, and, therefore, no residual research potential following the data collection efforts during the current testing program. Site SDI-22,924 is not a significant resource as defined by CEQA.

Field Survey Results

The survey methodology employed during the BFSAs field investigation followed standard archaeological field procedures and was sufficient to accomplish a thorough assessment of the Project site. The survey process was limited in some areas by ground cover, particularly in the southern portion of the Project site where heavy vegetation obscured the ground surface and prevented the observation of any artifacts that might be otherwise visible.

In general, the property follows a gradual downward slope from the southwestern reaches of the property to the northeastern terminus. The archaeological survey of the property was an intensive reconnaissance consisting of a series of parallel survey transects spaced at approximately five-meter intervals. All potentially sensitive areas where cultural resources might be located were closely inspected. During the archaeological survey, one previously unrecorded archaeological site (SDI-22,924) was identified and the recorded locations of sites SDI-9847 and SDI-11,442 were visited. However, no surface evidence of previously recorded sites SDI-9847 and SDI-11,442 could be relocated. Despite this, the recorded locations of the sites identified by the SCIC were tested to search for buried evidence of these sites.

In summary, archaeological investigations at SDI-9847 and SDI-11,442 did not identify any archaeological materials at the recorded site locations within the Project site. The resources previously reported at these sites have likely been moved, buried, or destroyed as a result of previous agricultural activities and/or development to the north and east of the property. Site SDI-22,924 contained a limited surface artifact scatter. However, subsurface testing at the site did not identify any additional archaeological materials associated with the surface scatter.

Native American Consultation

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended added sections to the California Public Resources Code relating to Native Americans and tribal cultural resources. By considering tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available early in the project planning process to identify and address potential adverse impacts to Tribal Cultural Resources (TCRs).

The Public Resources Code now 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.” (Pub. Resources Code, § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.

Based upon the Sacred Lands File search conducted in 2020 by the NAHC, no sacred sites, TCRs, or Traditional Cultural Landscapes (TCLs) are known to exist within the Project site boundaries and the NAHC returned negative results in the larger Rancho Santa Fe Quadrangle. During the archaeological evaluation conducted by BFSa in 2020/21, no artifacts or remains were identified or recovered that could be reasonably associated with such practices.

For the proposed Project, the County of San Diego invited tribes to consult on the Project. Fourteen tribes (Barona, Campo, Jamul, Kwaaymii, Manzanita, Pala, Pechanga, Rincon, San Luis Rey, San Pasqual, Santa Ysabel, Soboba, Sycuan, and Viejas) were contacted on October 5, 2022. Three tribes (Campo, Rincon, and Viejas) requested consultation. The County requested meeting dates with Viejas on multiple occasions with no response. As such, consultation with Viejas was concluded due to lack of response. The County has consulted with Campo and Rincon. Consultation is ongoing with Campo and Rincon.

2.2.1.2 Regulatory Setting

Federal

National Historic Preservation Act (NHPA)

The National Historic Preservation Act (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 (both prehistoric and historic resources) and allow 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 (NRHP)

Developed in 1981, the National Register of Historic Places (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 in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards. Cultural resources may be considered eligible for listing if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. The criteria for determining eligibility are essentially the same in content and order as those outlined in CEQA. National Register listing places no obligation on private property owners. There are no restrictions on the use, treatment, transfer, or disposition of private property.

State

California Environmental Quality Act (CEQA)

Section 15064.5 of the CEQA Guidelines, as amended, and the County guidelines, state that 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 (PRC §5024.1; Title 14 California Code of Regulations [CCR], Section 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, 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 in Section 2.4.2, 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 (CRHR)

The California Register of Historical Resources (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, including Traditional Cultural Properties.

California Assembly Bill 52

California AB 52 states that current California law provides a limited measure of protection for sites, features, places, objects, and landscapes with cultural value to California Native American tribes; including sacred places, including, but not limited to, places of worship, religious or ceremonial sites, and sacred shrines. In recognition of their governmental status, AB 52 requires a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision-making body of the lead agency.

Local

San Diego County General Plan

The General Plan (2011a) contains a series of policies in the Conservation and Open Space Element relevant to archaeological and historical resources, human remains, and paleontological resources.

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 previously unknown historical resources or unique archaeological resources may be located on the site, and a modification is necessary to prohibit grading in the area of the resources so as to preserve the resources, or to redirect proposed grading so as to avoid the location of such resources until they can be retrieved, or potential impacts to them have been appropriately mitigated.

Section 87.430 of the Ordinance provides that the County official (e.g., permit compliance coordinator) may require a paleontological monitor during all or selected grading operations, to monitor for the presence of paleontological resources. If fossils greater than 12 inches in any dimension are

encountered, then all grading operations in the area of discovery must be suspended immediately and not resumed until authorized by the County official. The Grading Ordinance also requires immediate notification of the County official regarding the discovery. The County official must determine the appropriate resource recovery operation, which the permittee must carry out prior to the County official's authorization to resume normal grading operations.

Resource Protection Ordinance

The County of San Diego's Resource Protection Ordinance (RPO) protects significant cultural resources. The RPO defines "Significant Prehistoric or Historic Sites" as follows:

Sites that provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, State, or federal importance. Such locations shall include, but not be limited to:

1. Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
 - a. Formally determined eligible or listed in the NRHP by the Keeper of the National Register; or
 - b. To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or
2. One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and
3. Any location of past or current sacred religious or ceremonial observances, which is either:
 - a. Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, or
 - b. Other formally designated and recognized sites, which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

The RPO does not allow non-exempt activities or uses damaging to significant prehistoric or historic lands on properties under County of San Diego jurisdiction. The only exempt activity is scientific investigation authorized by the County. All discretionary projects are required to be in conformance with applicable County of San Diego standards related to cultural resources, including the noted RPO criteria for prehistoric and historic sites. Non-compliance would result in a project that is inconsistent with the County's standards.

San Diego County Local Register of Historical Resources

The purpose of the San Diego County Local Register of Historical Places is to develop and maintain “an authoritative guide to be used by State agencies, private groups, and citizens to identify the County’s historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change.” Sites, places, or objects that are eligible to the NRHP or the CRHR are automatically included in the San Diego County Local Register of Historical Places. If a resource meets any one of the following criteria as outlined in the Local Register, it will be considered an important resource:

1. Is associated with events that have made a significant contribution to the broad patterns of San Diego County’s history and cultural heritage;
2. Is associated with the lives of persons important to the history of San Diego or its communities;
3. Embodies the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

2.2.2 Analysis of Project Effects and Determinations as to Significance

The following discussion evaluates potential impacts to historic and archaeological resources resulting from implementation of the Project. Section 15064.5(c) of CEQA addresses effects on archaeological sites. It notes that if archaeological resources are not unique, project effects on those resources shall not be considered a significant effect on the environment. The resource and potential effects must be addressed in the EIR, but the site need not be further considered during the CEQA process.

2.2.2.1 Historical Resources

Guideline for the Determination of Significance

A significant cultural resources impact would occur if the Project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the 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 Interior Standards.

Guidelines Source

This guideline is from the County of San Diego Guidelines for Determining Significance for Cultural Resources (2007). Section 21083.2 of the CEQA Guidelines recommends evaluating historical resources to determine whether a proposed action would have a significant effect on unique historical resources.

Analysis

Based on the record search, no historic resources have been recorded on the site, and no historic resources were identified during BFSAs 2020/21 field survey. The site is undeveloped and contains no structures. Implementation of the Project would cause no impacts to historical resources.

2.2.2.2 Archaeological Sites

Guideline for the Determination of Significance

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

- 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.

Guidelines Source

This guideline is derived from the County of San Diego Guidelines for Determining Significance for Cultural Resources (County of San Diego 2007) and CEQA. Section 15064.5 of the CEQA Guidelines recommends evaluating archaeological resources to determine whether a proposed action would have a significant effect on unique archaeological resources.

Analysis

Three archaeological resources have been recorded and identified on the Project site: SDI-9847, SDI-11,442, and SDI-22,924. Archaeological investigations at SDI-9847, SDI-11,442, and SDI-22,924 conducted in 2020/21 did not identify any subsurface archaeological materials and the three artifacts identified at SDI-22,924 were collected and documented. The resources previously reported at SDI-9847 and SDI-11,442 are assumed to have been moved, buried, or destroyed as a result of past agricultural activities and/or development to the north and east of the property. From a regional standpoint, given the lack of cultural materials at the mapped locations of SDI-9847 and SDI-11,442 and the limited resources identified at SDI-22,924, the sites and the study conducted by BFSAs in 2020/21 offer little information to place the resources in context. Overall, the sites lack the chronological, typological, and general archaeological data to answer any relevant research questions or to facilitate placement into the broader scope of San Diego prehistory. As a result, regionally speaking, these sites are similar to a multitude of sites around San Diego County that have been impacted by past agricultural activities and modern development, which culminated in the displacement and destruction of cultural resources. Therefore, all three sites lack additional research potential and the recordation of the surface materials at SDI-22,924 conducted by BFSAs in 2020/21 constitutes adequate and completed mitigation. Based upon field work and study including the testing program completed by BFSAs in 2020/21, SDI-9847, SDI-11,442, and SDI-22,924 do not qualify as important cultural

resources according to the criteria listed in CEQA Guidelines Section 15064.5. Any further impacts to these resource sites as a result of the Project's construction would be considered less than significant.

Given the presence of previously identified archaeological resources within the Project site and its vicinity, there is a potential for the Project site to contain unidentified subsurface archaeological resources. Therefore, ground-disturbing activities resulting from the Project's construction have the potential to impact previously undiscovered archaeological resources. If such resources are encountered during construction and are considered important cultural resources according to the criteria listed in CEQA Guidelines Section 15064.5, impacts would be significant prior to mitigation (**Significant Direct Impact CR-1**).

2.2.2.3 Disturbance to Human Remains

Guideline for the Determination of Significance

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

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

Guidelines Source

This guideline is from the County of San Diego Guidelines for Determining Significance for Cultural Resources (County of San Diego 2007) and CEQA. This guideline is included because human remains must be treated with dignity and respect and CEQA requires consultation with the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission (NAHC) for any project in which human remains have been identified.

Analysis

No human remains were identified during the records search, field survey, or testing program. Sections 15064.5(d) and (e) of the CEQA Guidelines requires that if human remains are discovered on a project site that may be those of a Native American, no further excavation or disturbance shall occur, and the County Coroner shall be notified to determine whether the remains are those of a Native American, in accordance with California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097 et. seq. If confirmed, the lead agency shall work with the NAHC to identify the person or persons most likely to be descended from the deceased Native American and the project applicant shall work with the descendent for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods in accordance with the provisions of Public Resources Code Section 5097.98. Although no human remains were identified, there is the possibility that human remains could be present on the Project site and be encountered during grading. If human remains were found, the Project would be required to comply with California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097 et. seq. Thus, Project's potential impacts to Native American human remains would be less than significant.

2.2.2.4 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 Project would:

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

Guidelines Source

This guideline is derived from the County's RPO, which 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

As a result of the testing and site significance evaluation program, SDI-9847, SDI-11,442, and SDI-22,924 were identified as not significant resources pursuant to CEQA. They are not eligible for the California Register of Historical Resources (CRHR), and do not represent County of San Diego Resource Protection Ordinance (RPO) significant sites. The Project would not include activities or uses that would damage significant cultural resources as defined by the County RPO. Therefore, no impact would occur.

2.2.3 Cumulative Impact Analysis

Historical Resources

There are no significant historical resources located on the Project site and there is no reasonable potential for significant historical resources to be encountered during the Project's ground-disturbing construction activities. As such, the Project would not have a cumulatively considerable impact on historical resources.

Archaeological Resources

No significant archaeological resources were identified on the Project site or within the Project's off-site disturbance areas. As such, the Project would not result in any cumulatively considerable impacts to known archaeological sites and would not cause a substantial adverse change in the significance of a known archaeological resource pursuant to California Code of Regulation, Section 15064.5. However, there is a possibility that previously undiscovered subsurface archaeological resources may be impacted

by Project-related ground disturbing construction activities. Other cumulative developments resulting from buildout of the San Diego County General Plan and the general plans of cities within the County also have the potential to result in impacts to archaeological sites or resources, including sites or resources that may be buried beneath the ground surface. As such, the Project's potential impacts to previously undiscovered archaeological sites or resources would be cumulatively considerable prior to mitigation (**Significant Cumulatively Considerable Impact CR-1**).

Potential Human Remains

The Project would be subject to compliance with the provisions of California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097 et. seq. As such, while there is a remote potential for human remains identified as Native American to be uncovered as part of site grading activities, mandatory compliance with these provisions of State law would ensure that impacts to human remains would be less than significant. As other cumulative developments similarly would be subject to compliance with California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097 et. seq., the Project's potential impacts to Native American human remains would be less than significant on a cumulatively considerable basis.

2.2.4 Significance of Impacts Prior to Mitigation

Significant Direct and Cumulatively Considerable Impact CR-1: Project-related grading activities have the potential to encounter and impact previously undiscovered archaeological resources that could be determined to be important archaeological resources according to the criteria listed in CEQA Guidelines Section 15064.5.

2.2.5 Mitigation

M-CR-1: Prior to issuance of grading permits, the Project applicant shall enter into a Treatment Agreement and Preservation Plan with consulting tribe(s) and implement an Archaeological and Tribal Monitoring Program during earth disturbing activities. The Treatment Agreement and Preservation Plan and Archeological and Tribal Monitoring Program shall be provided to the County Archeologist for review and approval prior to issuance of the grading permit.

2.2.6 Conclusion

Less-than-Significant Impact CR-1 with Mitigation: If Project-related grading activities encounter archaeological resources that are determined to be important archaeological resources according to the criteria listed in CEQA Guidelines Section 15064.5, implementation of Mitigation Measure M-CR-1 would ensure that the resources are appropriately identified and treated to reduce impacts to less-than-significant.