Section 4.18
Tribal Cultural Resources

4.18.1 Overview

This section evaluates existing conditions for tribal cultural resources (TCRs) within the ~~project vicinity~~County, and the potential effects that implementation of the project may have on these resources. A cultural resources study ~~was conducted that included~~including a record search, literature review, Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, and tribal outreach~~. Also,~~; a cultural resources survey~~,~~ totaling approximately 96.6 acres~~,~~; and testing/evaluation of two archaeological sites~~, was~~ were conducted ~~(see section 4.5).~~in support of the effort to create the proposed Alpine Park. The cultural resource~~s~~ survey was completed to identify and map existing cultural resources within the project site and provide County DPR with management information for addressing potentially significant cultural resources and TCRs. These measures include preservation recommendations and protective measures.

4.18.2 Existing Conditions

Assembly Bill (AB) 52, signed by the California Governor in September of 2014, establishes a new class of resources under CEQA: "tribal cultural resources." On July 1, 2015, TCRs were added to the list of resources that require analysis under CEQA.

4.18.3 Applicable Laws and Regulations

4.18.3.1 State

Assembly Bill 52

Chapter 532, Statutes of 2014 (i.e., AB 52), requires that lead agencies evaluate a project's potential to affect TCRs. Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources (Public Resources Code [PRC] Section 21074). AB 52 also gives lead agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside of the definition stated above nonetheless qualifies as a TCR.

In accordance with AB 52 (specifically PRC 21080.3.1), a CEQA lead agency must consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project and that have previously requested that the lead agency provide the tribe with notice of such projects. Consultation as defined under AB 52 includes, but is not limited to, discussing the type of environmental review necessary, the significance of TCRs, the significance of project impacts on the TCRs, and alternatives and mitigation measures recommended by the tribe. Parties must consult in good faith and consultation is deemed concluded when (1) the parties agree

to measures to avoid or reduce a significant impact on a TCR (if such a significant impact exists) or (2) when a party concludes that mutual agreement cannot be reached. Furthermore, under AB 52, mitigation measures agreed upon during consultation must be included in the environmental document and, if no formal agreement on the appropriate mitigation has been established, mitigation measures that avoid or substantially lessen potentially significant impacts should be implemented.

4.18.4 Project Impact Analysis

4.18.4.1 Methodology

~~Both a search of available records and consultation with recognized tribes were conducted for the project.~~ Records searches at the South Coastal Information Center were conducted for the project area to determine if previously recorded TCRs are present within the project site. No TCRs listed in or eligible for listing in the California Register of Historical Resources were identified during the records search. Additionally, an SLF search of the project area was obtained on May 3, 2019, from NAHC for the project. The SLF file search was positive and NAHC recommended contacting the Sycuan Band of the Kumeyaay Nation and Viejas Band of Kumeyaay Indians (Viejas Band). Letters were ~~then~~ sent to the two tribes~~,~~ and 12 other tribes~~,~~ on May 21, 2019, notifying them of the project and the NAHC SLF results, and seeking their comment and input. The Viejas Band responded on June 5, 2019, that the project site has cultural significance or ties to the tribe and requested a tribal monitor be present for ground-disturbing activities and to be informed of any new developments related to cultural resources in the project area. The Viejas Band did not indicate or identify that any TCRs ~~to be~~are present within the project area. No response was received from the Sycuan Band of the Kumeyaay Nation.

Appendix G of the ~~State~~ CEQA Guidelines

For the purposes of the analysis in this Final EIR, and in accordance with Appendix G of the~~ State~~ CEQA Guidelines, the project would result in a significant environmental impact under the following conditions:

1. Would the project 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:
    a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
    b. 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

County of San Diego Guidelines for Determining Significance

The following significance criteria are based on the *County of San Diego Guidelines for Determining Significance for Cultural Resources: Archaeological and Historical Resources* (County of San Diego 2007). Impacts are considered significant if the project would result in any of the following:

1. Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5.
2. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
3. Disturb any human remains, including those interred outside of formal cemeteries.

4.18.4.2 Project Impacts and Mitigation Measures

Threshold 1: Implementation of the project 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:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b. 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

County Park and Trails

Impact Discussion

Records searches and informal Native American outreach have not revealed that any known "historical resources" as defined by CEQA are present in the project area. Pursuant to PRC Section 21080.3.1 (AB 52), California Native American tribes traditionally and culturally affiliated with the project area can request notification of projects in their traditional cultural territory.

Letters were sent to the NAHC on behalf of ~~the~~ County DPR on April 19, 2019, requesting a review of the SLF and a list of contacts. A response letter from Steven Quinn of the NAHC, dated May 3, 2019, was received, ~~which~~and noted that the SLF search was positive and recommended contacting the Sycuan Band of Kumeyaay Nation and the Viejas Band in addition to 17 other contacts. Letters requesting information and comment were sent to the listed contacts by ICF on May 21, 2019. A

response by Clint Linton of the Iipay Nation of Santa Ysabel was received via email on May 22, 2019. Mr. Linton deferred comment to the Viejas Band and supports any comments or requests made by them. The Viejas Band responded by letter on June 5, 2019, stating that the project site has cultural significance to the tribe and requested that a Kumeyaay monitor be present on site for ground-disturbing activities and to be informed of any new developments such as inadvertent discoveries.

County DPR staff responded to a request to consult under AB 52 from the Viejas Band. During consultation on March 10, 2021, the Viejas Band requested a Kumeyaay cultural monitor be on site for ground-disturbing activities and to be informed of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains. Lorrie Bradley of ~~the~~ County DPR sent an email on July 11, 2021, following up to see if consultation could be concluded and stat~~ing~~ed the project would have cultural monitors, including a Kumeyaay monitor, on site during disturbance of native soil. AB 52 consultation was concluded with the Viejas Band on July 28, 2021, with the following request that ~~the~~ County DPR agrees to: "Viejas requested that any ground disturbance and not just native soils have monitoring. With this inclusion in project conditioning, Viejas agreed to conclude consultation."

Due to the relatively undeveloped nature of the project site and the surrounding area, it is possible that significant TCRs ~~c~~would be encountered during construction of the project. ~~It~~ If an archaeological resource is ~~therefore also~~encountered during project construction, it is possible that the resource could be a ~~significant~~ TCR, and implementation of the project may cause a substantial adverse change in the significance of a TCR~~,~~ as defined in Section 21074 of the PRC and ~~the State~~ CEQA Guidelines Section 5021.1.

Construction

Ground-disturbing activities associated with construction of the project ~~could~~may disturb undiscovered TCRs. As a result of the potential for inadvertent damage or destruction of undisturbed TCRs, the project has the potential to materially alter physical characteristics that would qualify a TCR for inclusion in the NRHP and CRHR (**Impact TCR-1**).

Operation

Operation of the project would not result in ground disturbance or structural modifications ~~beyond those having been completed during construction.~~ Therefore, in the absence of ~~further~~ ground disturbance, no operations ~~-~~related impacts on TCRs are expected to occur.

Impact Determination

Impact-TCR-1: Excavation Related to the Project Would Potentially Damage Tribal Cultural Resources. Ground-disturbing construction activities associated with the project have the potential to unearth unknown TCRs that may be located in the project area. Impacts would be potentially significant.

Mitigation Measures

For **Impact-TCR-1**:

Implement mitigation measures **MM-CUL-1: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan**; **MM-CUL-2: Prepare and Implement a Cultural Resources**

Awareness Training Prior to Project Construction; and **MM-CUL-3: Conduct Archaeological Monitoring** as described in Section 4.5, *Cultural Resources*.

MM-TCR-1: Conduct Native American Monitoring. A Kumeyaay Native American monitor shall be present at all areas of proposed ground disturbance during all ~~initial ground disturbance. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process.~~ground disturbance. Native American monitors would be retained from tribes who have expressed an interest in the project and have participated in discussions with County DPR. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the Cultural Resources Monitoring and Discovery Plan described in **MM-CUL-1**. Costs associated with Native American monitoring shall be borne by County DPR.

Level of Significance After Mitigation

Mitigation measures consisting of preparation of a cultural resources monitoring and discovery plan (**MM-CUL-1**), cultural resources awareness training (**MM-CUL-2**), and archaeological (**MM-CUL-3**) and Native American monitoring (**MM-TCR-1**) in previously undisturbed soils would be necessary to reduce impacts to a less-than-significant level. After implementation of mitigation measures, **Impact-TCR-1** would be reduced to a less-than-significant level because the preparation and implementation of a Cultural Resources Monitoring and Discovery Plan and Cultural Resources Awareness Training, as well as archaeological and Native American monitoring of any ground-disturbing activities on designated portions of the project site, would minimize the potential to damage or result in the loss of unknown TCRs. The project's impact on the significance of TCRs as defined in Section 21074 of the PRC and ~~State~~ CEQA Guidelines Section 5021.1 would be less than significant.

Open Space~~/Preserve~~

Impact Discussion

Open space~~/preserve~~ uses would remove areas and trails that are presently used by the public for a variety of uses including trail riding, hiking, dirt bike riding, and gatherings that could have the potential to affect undiscovered TCRs. The removal of some of these areas from active use and in turn placing them in open space~~/preserve~~ would protect potentially undiscovered TCRs from impacts.

Impact Determination

Open space~~/preserve~~ uses would not result in significant impacts on TCRs.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Impacts would be less than significant.

4.18.5 Summary of Significant Impacts

Table 4.18-1. Summary of Significant Tribal Cultural Resources Impacts and Mitigation Measures

Summary of Potentially Significant Impact(s)	Summary of Mitigation Measure(s)	Level of Significance After Mitigation	Rationale for Finding After Mitigation
Impact-TCR-1: Excavation Related to the Project Would Potentially Damage Tribal Cultural Resources. ~~Ground-disturbing construction activities associated with the project have the potential to unearth unknown TCRs that may be located in the project area. Impacts would be potentially significant.~~	**MM-CUL-1: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan** **MM-CUL-2: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction** **MM-CUL-3: Conduct Archaeological Monitoring in Areas of Sensitivity** **MM-TCR-1: Conduct Native American Monitoring** ~~**MM-TCR-1: Conduct Native American Monitoring.** A Kumeyaay Native American monitor shall be present at all areas of proposed ground disturbance during all initial ground disturbance. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process. Native American monitors would be retained from tribes who have expressed an interest in the project and have participated in discussions with County DPR. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the~~	Less than Significant	After implementation of mitigation measures **MM-CUL-1** through **MM-CUL-3** and **MM-TCR-1, Impact-TCR-1** would be reduced to a less-than-significant level because the preparation and implementation of a Cultural Resources Monitoring and Discovery Plan and Cultural Resources Awareness Training, as well as archaeological and Native American monitoring of any ground-disturbing activities on designated portions of the project site, would minimize the potential to damage or result in the loss of unknown TCRs. The project's impact on the significance of TCRs as defined in Section 21074 of the PRC and ~~State~~ CEQA Guidelines Section 5021.1 would be less than significant.

Summary of Potentially Significant Impact(s)	Summary of Mitigation Measure(s)	Level of Significance After Mitigation	Rationale for Finding After Mitigation
	~~Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the Cultural Resources Monitoring and Discovery Plan described in **MM-CUL-1**. Costs associated with Native American monitoring shall be borne by County DPR.~~		