

2.3 Cultural Resources

This section addresses the potential cultural resources impacts associated with implementation of The Villages – Escondido Country Club Project (Project.) The potential for cultural resources to be present in the Project vicinity was determined based on available reports and site-specific studies. Information provided in this section was incorporated from the following sources: the *City of Escondido General Plan* (City of Escondido 2012); the *Cultural Resources Study for the Escondido Country Club Project*, prepared by Brian F. Smith and Associates (BFSA); and the *Historic Structure Assessment for 1800 West Country Club Lane*, also prepared by BFSA. The results of the analysis are included in this section, and a copy of the reports prepared by BFSA are included as Appendix 2.3-1 to this Environmental Impact Report (EIR), with confidential records and maps on file at the City of Escondido (City) Planning Department and deposited with the South Coastal Information Center (SCIC) located at San Diego State University.

2.3.1 Existing Conditions

2.3.1.1 Environmental Setting

The 109-acre Project site is situated in the inland foothill region located in the Peninsular Ranges geomorphic province of Southern California. The property is situated north of Mount Whitney, northeast of the city of San Marcos, east of Dixon Lake, and north of downtown Escondido.

The Project site primarily contains Mesozoic granitic rocks with some areas of Pre-Cenozoic granitic and metamorphic rocks and Mesozoic plutonic rocks (Miles and Goudey 1998, cited in Appendix 2.3-1). Soils within the Project site are typical to the Fallbrook-Vista Association. In this association, soils are well-drained brown sandy loams that have a subsoil of dark-brown or reddish-brown sandy clay loam and clay loam (USDA 1973, cited in Appendix 2.3-1). Soils are generally shallow over rock. Rock outcrops and boulders cover approximately 10% of the surface.

During the prehistoric period, vegetation in the Escondido area comprised a rich and valuable food resource base for prehistoric human occupants. Animals that inhabited the area during prehistoric times included mammals such as rabbits, squirrels, gophers, mice, rats, deer, and coyotes, in addition to a variety of reptiles and amphibians. The natural setting of the Project during prehistoric occupation offered a rich nutritional resource base. Fresh water was likely obtainable on a year-round basis from Escondido Creek and Moosa Creek and their tributaries. Historically, the property likely contained the same plant and animal species that are present today.

The Project area has been used since the 1960s as a country club and golf course, which have previously impacted the majority of the natural topography and native vegetation. Vegetation within the parcel is surrounded by oak woodland composed of scattered coast live oaks with an

understory composed of introduced grasses. Houses and associated buildings and infrastructure surround the peripheries of the Project along the north, east, south, and west fence lines.

2.3.1.2 Cultural Setting

The Project setting includes the natural, physical, geological, and biological contexts of the Project, as well as the cultural setting of prehistoric and historic human activities in the general area. The following sections discuss both the environmental and cultural settings at the subject property, the relationship between the two, and the relevance of that relationship to the Project.

Paleo Environment

Because of the close relationship between prehistoric settlement and subsistence patterns and the environment, it is necessary to understand the setting in which these systems operated. At the end of the final period of glaciation, approximately 11,000 to 10,000 years before the present (YBP), the sea level was considerably lower than it is now; the coastline at that time would have been 2 to 2.5 miles west of its present location (Smith and Moriarty 1985a, 1985b; cited in Appendix 2.3-1). At approximately 7,000 YBP, the sea level rose rapidly, filling in many coastal canyons that had been dry during the glacial period. The period between 7,000 and 4,000 YBP was characterized by conditions that were drier and warmer than they were previously, followed by a cooler, moister environment similar to the present-day climate (Robbins-Wade 1990, cited in Appendix 2.3-1). Changes in sea level and coastal topography are often manifested in archaeological sites through the types of shellfish used by prehistoric groups. Different species of shellfish prefer certain types of environments, and dated sites that contain shellfish remains reflect the setting that was exploited by the prehistoric occupants.

Unfortunately, pollen studies have not been conducted for this area of San Diego; however, studies in other areas of Southern California, such as Santa Barbara, indicate that the coastal plains supported a pine forest between approximately 12,000 and 8,000 YBP (Robbins-Wade 1990, cited in Appendix 2.3-1). After 8,000 YBP, this environment was replaced by more open habitats, which supported oak and non-arboreal communities. The coastal sage scrub and chaparral environments of today appear to have become dominant after 2,200 YBP (Robbins-Wade 1990, cited in Appendix 2.3-1).

Prehistory

In general, the prehistoric record of San Diego County has been documented in many reports and studies, several of which represent the earliest scientific works concerning the recognition and interpretation of the archaeological manifestations present in this region. Geographer Malcolm Rogers initiated the recordation of sites in the area during the 1920s and 1930s, using his field notes to construct the first cultural sequences based upon artifact assemblages and stratigraphy

(Rogers 1966, cited in Appendix 2.3-1). Subsequent scholars expanded the information gathered by Rogers and offered more academic interpretations of the prehistoric record (Appendix 2.3-1).

Early Man Period (Prior to 8500 BC)

Currently, there is no conclusive archaeological evidence to support the occupation of San Diego County before 10,500 YBP. Some archaeologists, such as Carter (1957, 1980; cited in Appendix 2.3-1) and Minshall (1976, cited in Appendix 2.3-1), have been proponents of Native American occupation of the region as early as 100,000 years ago. However, their evidence for such claims is sparse and they have lost much support over the years as more precise dating techniques have become available for skeletal remains thought to represent early man in San Diego. In addition, many of the “artifacts” initially identified as products of early man in the region have since been rejected as natural products of geologic activity. Some of the local proposed Early Man Period sites include Texas Street, Buchanan Canyon, Brown, Mission Valley (San Diego River Valley), Del Mar, and La Jolla (Bada et al. 1974; Carter 1957, 1980; Minshall 1976, 1989; Moriarty and Minshall 1972; Reeves 1985; Reeves et al. 1986; cited in Appendix 2.3-1).

Paleo Indian Period (8500 to 6000 BC)

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 YBP, and who were related to or contemporaneous with groups in the Great Basin; however no absolute dates have been confirmed. The artifacts recovered from San Dieguito Complex sites duplicate the typology attributed to the Western Pluvial Lakes Tradition (Moratto 1984; Davis et al. 1969; cited in Appendix 2.3-1). These artifacts generally include scrapers, choppers, large bifaces, and large projectile points, with few milling tools. Tools recovered from San Dieguito Complex sites, along with the general pattern of their site locations, led early researchers to believe that the people of the San Dieguito Complex were a wandering hunter/gatherer society (Moriarty 1969; Rogers 1966; cited in Appendix 2.3-1). The San Dieguito Complex is the least understood of the cultures that have inhabited the San Diego County region. This is because of an overall lack of stratigraphic information and/or datable materials recovered from sites identified as the San Dieguito Complex. Currently, controversy exists among researchers regarding the relationship of the San Dieguito Complex and the subsequent cultural manifestation in the area, the La Jolla Complex. Although firm evidence has not been recovered to indicate whether the San Dieguito Complex “evolved” into the La Jolla Complex, the people of the La Jolla Complex moved into the area and assimilated with the people of the San Dieguito Complex, or the people of the San Dieguito Complex retreated from the area because of environmental or cultural pressures.

Early Archaic Period (6000 BC to AD 0)

Based on evidence suggesting climatic shifts and archaeologically observable changes in subsistence strategies, a new cultural pattern is believed to have emerged in the San Diego region around 6000 BC. Archaeologists believe that this Archaic Period pattern evolved from or replaced the San Dieguito Complex culture, resulting in a pattern referred to as the Encinitas Tradition. In San Diego, the Encinitas Tradition is believed to be represented by the coastal La Jolla Complex and its inland manifestation, the Pauma Complex. The La Jolla Complex is best recognized for its pattern of shell middens and grinding tools closely associated with marine resources and flexed burials (Shumway et al. 1961; Smith and Moriarty 1985a; cited in Appendix 2.3-1). At the present time, the transition from the Archaic Period to the Late Prehistoric Period is not well understood. Many questions remain concerning cultural transformation between periods, possibilities of ethnic replacement, and/or a possible hiatus from the western portion of the County.

Late Prehistoric Period (AD 0 to 1769)

The transition into the Late Prehistoric Period in the Project area is primarily represented by a marked change in archaeological patterning known as the Yuman Tradition. This tradition is primarily represented by the Cuyamaca Complex, which is believed to be derived from the mountains of southern San Diego County. The people of the Cuyamaca Complex are considered ancestral to the ethnohistoric Kumeyaay (Diegueño). Although several archaeologists consider the local Native American tribes to be latecomers, the traditional stories and histories passed down through oral tradition by the local Native American groups speak both presently and ethnographically to tribal presence in the region since the time of creation.

Exploration Period (1530 to 1769)

The historic period around San Diego Bay began with the landing of Juan Rodriguez Cabrillo and his men in 1542 (Chapman 1925, cited in Appendix 2.3-1). Sixty years after the Cabrillo expeditions (1602 to 1603), an expedition under Sebastian Vizcaíno made an extensive and thorough exploration of the Pacific coast. Although his voyage did not extend beyond the northern limits of the Cabrillo track, Vizcaíno had the most lasting effect on the nomenclature of the coast. Many of the names Vizcaíno gave to various locations throughout the region have survived to the present time, whereas nearly every one of Cabrillo's has faded from use. For example, Cabrillo gave the name "San Miguel" to the first port at which he stopped in what is now the United States; 60 years later, Vizcaíno changed the port name to "San Diego" (Rolle 1969, cited in Appendix 2.3-1).

Spanish Colonial Period (1769 to 1821)

The Spanish occupation of the claimed territory of Alta California took place during the reign of King Carlos III of Spain (Engelhardt 1920, cited in Appendix 2.3-1). Jose de Gálvez, a powerful representative of the king in Mexico, conceived the plan to colonize Alta California and thereby secure the area for the Spanish Crown (Rolle 1969, cited in Appendix 2.3-1). The effort involved both a military and a religious contingent, where the overall intent of establishing forts and missions was to gain control of the land and the native inhabitants through conversion. Actual colonization of the San Diego area began on July 16, 1769, when the first Spanish exploring party, commanded by Gaspar de Portolá (with Father Junípero Serra in charge of religious conversion of the native populations), arrived by the overland route to San Diego to secure California for the Spanish Crown (Palou 1926, cited in Appendix 2.3-1).

Mexican Period (1821 to 1846)

On September 16, 1810, the priest Father Miguel Hidalgo y Costilla started a revolt against Spanish rule. He and his untrained Native American followers fought against the Spanish, but his revolt was unsuccessful and Father Hidalgo was executed. After this setback, Father José Morales led the revolutionaries, but he too failed and was executed. These two men are still symbols of Mexican liberty and patriotism. After the Mexican-born Spanish and the Catholic Church joined the revolution, Spain was finally defeated in 1821. Mexican Independence Day is celebrated on September 16 of each year, signifying the anniversary of the start of Father Hidalgo's revolt. The revolution had repercussions in the northern territories, and by 1834, all of the mission lands had been removed from the control of the Franciscan Order under the Acts of Secularization. Without proper maintenance, the missions quickly began to disintegrate, and after 1836, missionaries ceased to make regular visits inland to minister the needs of the Native Americans (Engelhardt 1920, cited in Appendix 2.3-1). Large tracts of land continued to be granted to persons who applied or who had gained favor with the Mexican government. Grants of land were also made to settle government debts and the Mexican government was called upon to reaffirm some older Spanish land grants shortly before the Mexican-American War of 1846 (Moyer 1969, cited in Appendix 2.3-1).

Anglo-American Period (1846 to Present)

California was invaded by United States troops during the Mexican-American War from 1846 to 1848. The acquisition of strategic Pacific ports and California land was one of the principal objectives of the war (Price 1967, cited in Appendix 2.3-1). At the time, the inhabitants of California were practically defenseless, and they quickly surrendered to the United States Navy in July of 1847 (Bancroft 1886, cited in Appendix 2.3-1).

The cattle ranchers of the “counties” of Southern California prospered during the cattle boom of the early 1850s. Cattle ranching soon declined, however, contributing to the expansion of agriculture. With the passage of the “No Fence Act,” San Diego’s economy changed from stock raising to farming (Rolle 1969, cited in Appendix 2.3-1). The act allowed for the expansion of unfenced farms, which was crucial in an area where fencing material was practically unavailable. Five years after its passage, most of the arable lands in San Diego County had been patented as either ranchos or homesteads, and growing grain crops replaced raising cattle in many of the county’s inland valleys (Blick 1976; Elliott 1883 [1965]; cited in Appendix 2.3-1). Between 1869 and 1871, the amount of cultivated acreage in the county rose from less than 5,000, to more than 20,000 acres (*San Diego Union*, January 2, 1872; cited in Appendix 2.3-1). Large-scale farming in San Diego County was limited by a lack of water and the small size of arable valleys, and the small urban population and poor roads restricted commercial crop growing. Nevertheless, cattle continued to be grazed in inland San Diego County (Gordinier 1966; cited in Appendix 2.3-1).

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%. 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 an industrial city (Heiges 1976; cited in Appendix 2.3-1). In inland San Diego County, agriculture became specialized and recreational areas were established in the mountain and desert areas.

After the arrival of Spanish explorers, the area that is present-day Escondido became part of the Spanish mission system. In 1843, the Project area was enveloped within a Mexican land grant known as the El Rincon del Diablo Rancho, which was granted to Juan Bautista Alvarado. In 1860, the rancho land was acquired by the Wolfskill brothers, who planted vineyards and raised sheep (McGrew 1988; cited in Appendix 2.3-1). In 1883, much of the area was purchased by the Escondido Company, a group of Stockton speculators that subdivided the property 3 years later. In 1886, a 12,000-acre tract of land was purchased by a group of investors who formed the Escondido Land and Town Company, which platted the city of Escondido and lobbied for the construction of a railroad connection to the coast. Aggressive land promotions during the latter half of the 1880s drew many people to the area, and although growth had slowed considerably during the 1890s, settlers continued to arrive in the backcountry, establishing small farms and ranches throughout the area. This migration took a sharp decline with the onset of the Depression during the 1930s, as many of the rural farmers

abandoned their farms and moved to urban areas. The number of people living on farms fell 63% during the 1930s, while San Diego County's overall population increased by 38% (Van Wormer and Walter 1991; cited in Appendix 2.3-1). Nevertheless, farming and ranching continued to be the major focus of Escondido's economy until the 1960s.

2.3.1.3 Archaeological Records Search

An archaeological records search for a 1-mile radius around the Project site was conducted by the SCIC at San Diego State University. The SCIC reported that no previously recorded archaeological sites are recorded within the Project boundary, but 20 cultural resource locations are recorded within a 1-mile radius of the Project site (Table 2.3-1, Cultural Resources within 1 Mile of the Escondido Country Club Project). These sites include two prehistoric bedrock milling feature sites, one prehistoric bedrock milling feature site with an associated artifact scatter, one prehistoric rock alignment, one prehistoric site that includes a rock alignment, a rock enclosure, several rock rings, a possible hearth, one prehistoric artifact scatter, one prehistoric lithic scatter, one prehistoric shell scatter, one prehistoric isolate with a possible quarry, and two prehistoric isolated artifacts. Historic sites include one historic cistern and structure remains, one historic rock cairn and associated pegmatite mine claim, one historic stone fence, one historic bridge, one historic rock wall, one historic rock and concrete house with associated structure remnants and a trash scatter, one historic stone and concrete wall, one historic single-family residence, and the historic Vista Irrigation District Bench Flumes.

In total, 50 cultural resource studies have been conducted within a 1-mile radius of the Project site (see Appendix 2.3-1), 5 of which overlap portions of the current Project boundary (City of Escondido 1980; Hector 2006; Keller Environmental Associates Inc. 1992; Robbins-Wade 2003; Robbins-Wade et al. 2009; cited in Appendix 2.3-1). None of these studies resulted in the identification of any cultural resources within the Project site.

In addition, the following historic sources were provided by the SCIC:

- The National Register of Historic Places Index
- The Office of Historic Preservation, Archaeological Determinations of Eligibility
- The Office of Historic Preservation, Directory of Properties in the Historic Property Data File
- The 1:24,000 U.S. Geological Survey San Marcos (1948) topographic map
- The 1:24,000 U.S. Geological Survey Valley Center (1948) topographic map
- San Diego County 1872 map
- Historic Roads and Trails 1769–1885 map

These sources did not indicate the presence of any additional cultural resources within or immediately adjacent to the Project site. The complete records search results are provided in Appendix C of the cultural resources study (included as Appendix 2.3-1 to this EIR).

2.3.1.4 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (16 U.S.C. 470 et seq.) establishes the nation's policy for historic preservation and sets in place a program for the preservation of historic properties by requiring federal agencies to consider effects to significant cultural resources (e.g., historic properties) prior to undertakings.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of projects on historic properties (resources included in or eligible for the National Register of Historic Places). It also gives the Advisory Council on Historic Preservation and the state historic preservation offices an opportunity to consult. Federal agencies issuing permits for the Project will be required to comply with National Historic Preservation Act requirements.

Antiquities Act

The Antiquities Act of 1906 (16 U.S.C. 431–433) protects any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the government of the United States from appropriation, excavation, injury, or destruction without the permission of the secretary of the department of the government having jurisdiction over the lands on which the antiquities are situated. The California Department of Transportation, National Park Service, Bureau of Land Management, U.S. Forest Service, and other federal agencies have interpreted objects of antiquity to include fossils. The Antiquities Act provides for the issuance of permits to collect fossils on lands administered by federal agencies and requires projects involving federal lands to obtain permits for both paleontological resource evaluation and mitigation efforts.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (42 U.S.C. 1996) protects Native American religious practices, ethnic heritage sites, and land uses.

Native American Graves Protection and Repatriation Act

Enacted in 1990, the Native American Graves Protection and Repatriation Act conveys to American Indians of demonstrated lineal descent the human remains and funerary or religious

items that are held by federal agencies and federally supported museums, or that have been recovered from federal lands. It also makes the sale or purchase of American Indian remains illegal, whether or not they derive from federal or Indian lands.

Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act of 2002 was enacted to codify the generally accepted practice of limiting the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers; these researchers must obtain a permit from the appropriate state or federal agency and agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers.

Secretary of the Interior Standards

The secretary of the Interior is the head of the U.S. Department of the Interior, which is nation's principal conservation agency. The department oversees agencies including the Bureau of Land Management, the Bureau of Indian Affairs, and the National Park Service.

The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation

The purpose of the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation of 1983 is to (1) organize the information gathered about preservation activities; (2) describe results to be achieved by federal agencies, states, and others when planning for the identification, evaluation, registration and treatment of historic properties; and (3) integrate the diverse efforts of many entities performing historic preservation into a systematic effort to preserve the nation's culture heritage.

The Secretary of the Interior's Standards for Rehabilitation

Developed in 1986, the Secretary of the Interior's Standards for Rehabilitation are 10 basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings

The Secretary of the Interior's Standards for the Treatment of Historic Properties were developed to help protect the nation's irreplaceable cultural resources by promoting consistent preservation practices. The standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; thus, they cannot, in

and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the standards provide philosophical consistency to the work.

State

Assembly Bill 52 (Chapter 532, Statute of 2014)

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American tribes as part of the California Environmental Quality Act (CEQA) and equates significant impacts on tribal cultural resources with significant environmental impacts (California Public Resources Code, Section 21084.2). California Public Resources Code, Section 21074 defines tribal cultural resources as follows.

- Sites, features, places, sacred places, and objects with cultural value to descendant communities or cultural landscapes defined in size and scope that are:
 - Included in or eligible for listing in the California Register of Historical Resources (CRHR); or
 - Included in a local register of historical resources.
- 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 PRC [California Public Resources Code] Section 5024.1.

Sacred places can include Native American sanctified cemeteries, places of worship, religious or ceremonial sites, and sacred shrines. In addition, both unique and non-unique archaeological resources, as defined in California Public Resources Code, Section 21083.2, can be tribal cultural resources if they meet the criteria detailed above. The lead agency relies upon substantial evidence to make the determination that a resource qualifies as a tribal cultural resource when it is not already listed in the CRHR or a local register.

AB 52 defines a “California Native American Tribe” (Tribe) as a Native American tribe located in California that is on the contact list maintained by the NAHC (California Public Resources Code, Section 21073). Under AB 52, formal consultation with Tribes is required prior to determining the level of environmental document if a Tribe has requested to be informed by the lead agency of proposed projects and if the Tribe, upon receiving notice of the project, accepts the opportunity to consult within 30 days of receipt of the notice. AB 52 also requires that consultation, if initiated, address project alternatives and mitigation measures for significant effects, if specifically requested by the Tribe. AB 52 states that consultation is considered concluded when either the parties agree to measures to mitigate or avoid a significant effect on

tribal cultural resources, or when either the Tribe or the agency concludes that mutual agreement cannot be reached after making a reasonable, good-faith effort. Under AB 52, any mitigation measures recommended by the agency or agreed upon with the Tribe may be included in the final environmental document and in the adopted mitigation monitoring program if they were determined to avoid or lessen a significant impact on a tribal cultural resource. If the recommended measures are not included in the final environmental document, then the lead agency must consider the four mitigation methods described in California Public Resources Code, Section 21084.3(e). Any information submitted by a Tribe during the consultation process is considered confidential and is not subject to public review or disclosure. It will be published in a confidential appendix to the environmental document unless the Tribe consents to disclosure of all or some of the information to the public.

California Historical Landmarks

The State Historical Landmarks Program places an emphasis on well-known places and events in California history. The goals of the program include the preservation and maintenance of registered landmarks, most of which include missions, early settlements, battles, and gold rush sites.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act of 2001 conveys to American Indians of demonstrated lineal descent the human remains and funerary items that are held by state agencies and museums.

California Points of Historical Interest Program

The State Points of Historical Interest Program was established in the effort to accommodate local historic properties not able to meet the restrictive criteria of the State Historical Landmarks Program. The Points of Historical Interest Program requires the participation of local governmental officials, such as the chairperson of the Board of Supervisors, in the approval process.

California Health and Safety Code, Section 7050.5 – Human Remains

Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered. The Code states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with section 27460) of Part 3 of

Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in section 5097.98 of the PRC [California Public Resources Code].

California Public Resources Code

Section 5097-5097.6 – Archaeological, Paleontological, and Historical Sites

California Public Resources Code, Sections 5097–5097.6, outlines the requirements for cultural resource analysis before the start of any construction project on state lands. This section identifies that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and provides for criminal sanctions. This section was amended in 1987 to require consultation with the Native American Heritage Commission (NAHC) whenever Native American graves are found. Violations for the taking or possessing remains or artifacts are felonies.

California Public Resources Code, Section 5097.5(a), states, in part, the following:

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, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

Section 5097.9–5097.991 – Native American Heritage

California Public Resources Code, Sections 5097.9–5097.991, identifies that no public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the U.S. Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require it. In addition, this section details the composition and responsibilities of NAHC. NAHC strives for the preservation

and protection of Native American human remains, associated grave goods, and cultural resources. NAHC has developed a strategic plan to assist the public, development community, local and federal agencies, educational institutions and California Native Americans to better understand problems relating to the protection and preservation of cultural resources and to serve as a tool to resolve these problems and create an awareness among lead agencies and developers of the importance of working with Native Americans (NAHC 2008; cited in Appendix 2.3-1). California Public Resources Code, Sections 5097.91 and 5097.98, were amended by AB 2641 in 2006. AB 2641 authorizes the NAHC to bring an action to prevent damage to Native American burial grounds or places of worship and establishes more specific procedures to be implemented in the event that Native American remains are discovered.

Senate Bill 18 – Traditional Tribal Cultural Places

As of March 1, 2005, Senate Bill 18 (California Government Code, Sections 65352.3 and 65352.4) requires that, before the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The consultation intends to establish a meaningful dialogue regarding potential means to preserve Native American places of importance. It allows for tribes to hold conservation easements and for tribal cultural places to be included in open space planning.

California Register of Historical Resources

The California Office of Historic Preservation maintains the CRHR. The CRHR is the authoritative guide to the state's significant historic and archaeological resources. The program provides for the identification, evaluation, registration, and protection of California's historic resources. The CRHR encourages public recognition and protection of resources of architectural, historic, archaeological, and cultural significance; identifies historic resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protection to resources under CEQA.

The CRHR also has established context types to be used when evaluating the eligibility of a property or resource for listing. The four criteria are as follows:

- It 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.
- It is associated with the lives of persons important to local, California, or national history.
- Represents the work of a master, or possesses high artistic values.
- It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

Similar to the National Register of Historic Places, eligibility for the CRHR requires an establishment of physical integrity, including the seven aspects previously described. The CRHR's list of special considerations is less stringent than that of the National Register of Historic Places, providing allowances for relocated buildings, structures, or objectives as reduced requirements for physical integrity.

California Environmental Quality Act

Primary environmental legislation in California is found in CEQA and its implementing guidelines (CEQA Guidelines), which require that projects with potential adverse effects (or impacts) on the environment undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations. Resource importance is assigned to districts, sites, buildings, structures, and objects that possess exceptional value or quality illustrating or interpreting the heritage of San Diego County in history, architecture, archaeology, engineering, and culture. A number of criteria are used in demonstrating resource importance. Specifically, criteria outlined in CEQA provide the guidance for making such a determination. The following sections detail the criteria that a resource must meet in order to be determined important.

According to CEQA (14 CCR 15064.5a), the term "historical resource" includes the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (CRHR) (California Public Resources Code, Section SS5024.1; 14 CCR 4850 et seq.).
- 2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript, which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant"

if the resource meets the criteria for listing on the CRHR (California Public Resources Code, SS5024.1; 14 CCR 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 on, or determined eligible for listing on the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Section 5020.1(j) or 5024.1.

According to CEQA (14 CCR 15064.5b), a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. CEQA defines a substantial adverse change as:

- 1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
- 2) The significance of an historical resource is materially impaired when a project:
 - a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
 - b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

- c) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion on the CRHR as determined by a lead agency for purposes of CEQA.

Section 15064.5(c) of the CEQA Guidelines applies to effects on archaeological sites and contains the following additional provisions regarding archaeological sites:

- 1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).
- 2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the PRC, Section 15126.4 of the guidelines, and the limits contained in Section 21083.2 of the PRC do not apply.
- 3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archaeological resource in Section 21803.2 of the PRC, the site shall be treated in accordance with the provisions of Section 21083.2. The time and cost limitations described in PRC Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.
- 4) If an archaeological resource is neither a unique archaeological nor historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or Environmental Impact Report, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

Section 15064.5 (d) and (e) contain additional provisions regarding human remains.

Regarding Native American human remains, paragraph (d) provides:

- (d) When an Initial Study identifies the existence of, or the probable likelihood of, Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in PRC SS5097.98. The applicant may develop an agreement for treating or disposing of with appropriate dignity the human remains and any items associated with Native American burials with the appropriate Native

Americans as identified by the NAHC. Action implementing such an agreement is exempt from:

- 1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).
- 2) The requirements of CEQA and the Coastal Act.

Regarding tribal cultural resources, California Public Resources Code, Section 21074(a) and (b), provides:

A “tribal cultural resource” is defined as any of the following under its subsections (a)–(c):

- a)
 - (1) Sites, features, places, and objects with cultural value to descendant communities or cultural landscapes that are any of the following:
 - A. Included 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.
 - C. Deemed to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.
 - (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to the 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).

Additionally, an environmental impact report, mitigated negative declaration, or negative declaration for a project with a significant impact on an identified tribal cultural resource cannot be certified or adopted unless one of the following occurs:

1. The consultation process between the tribe and the lead agency has concluded;
2. The tribe requested consultation but failed to provide comments or otherwise failed to engage in consultation; or
3. The lead agency provided notice of the project to a tribe and the tribe failed to request consultation within the 30 day deadline.

Local

City of Escondido Municipal Code

Article 40 of the City of Escondido (City) Municipal Code (Historical Resources) establishes the City's Historic Preservation Committee, the Escondido Local Register of Historical Places, and the designation process for Escondido Local Landmarks. Any person may nominate an historical resource to the local register or for landmark designation; however, the application must be made to the planning division on forms provided by the City. In addition, requests for local landmark designation must include a letter signed by the property owner consenting to the initiation. Article 40 additionally establishes it as unlawful to tear down, demolish, construct, alter, remove or relocate any historical resource or any portion thereof that has been listed on the Escondido Historic Sites Survey, Local Register, designated as a Local Landmark, or located within an Historical Overlay District or to alter any feature of without first obtaining a permit as outlined in Article 40, Section 33-798. This includes obtaining a Certificate of Appropriateness for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within an historical overlay district, including the back, sides, and street façade, even when a building permit is not otherwise required. Additional permits, as well as review by the planning commission, may also be required. Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside a historical overlay district are also subject to staff administrative review to ensure that improvements and alterations do not preclude future listing in the local register. Further, Article 40 requires that all repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for Rehabilitation. Demolitions to such resources would require a permit acquired in accordance with Article 40, Sections 33-801, 33-802 and 33-803.

Article 55 of the City Municipal Code (Grading and Erosion Control) ensures that development occurs in a manner that protects the natural and topographic character and identity of the

environment, the visual integrity of hillsides and ridgelines, sensitive species and unique geologic/geographic features, and the health, safety, and welfare of the general public by regulating grading on private and public property and providing standards and design criteria. Additionally, the article recommends that grading designs be sensitive to natural topographic, cultural, or environmental features, as well as mature and protected trees by implementing the following features should be preserved in permanent open space easements, or such other means that will ensure their preservation: undisturbed steep slopes (over 35%); riparian areas, mitigation areas, and areas with sensitive vegetation or habitat; unusual rock outcroppings; other unique or unusual geographic features; and significant cultural or historical features.

City of Escondido General Plan

Resource Conservation Element

5. Historic and Cultural Resources

Goal 5: Preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido.

Cultural Resources Policy 5.1: Maintain and update the Escondido Historic Sites Survey to include significant resources that meet local, state, or federal criteria.

Cultural Resources Policy 5.2: Preserve significant cultural and paleontological resources listed on the national, State, or local registers through: maintenance or development of appropriate ordinances that protect, enhance, and perpetuate resources; incentive programs; and/or the development review process.

Cultural Resources Policy 5.3: Consult with appropriate organizations and individuals (e.g., South Coastal Information Center of the California Historical Resources Information System, Native American Heritage Commission, Native American groups and individuals, and San Diego Natural History Museum) early in the development process to minimize potential impacts to cultural and paleontological resources.

Cultural Resources Policy 5.4: Recognize the sensitivity of locally significant cultural resources and the need for more detailed assessments through the environmental review process.

Cultural Resources Policy 5.5: Preserve historic buildings, landscapes, and districts with special and recognized historic or architectural value in their original locations through preservation, rehabilitation (including adaptive reuse), and restoration where the use is compatible with the surrounding area.

Cultural Resources Policy 5.6: Review proposed new development and/or remodels for compatibility with the surrounding historic context.

Cultural Resources Policy 5.7: Comply with appropriate local, State, or federal regulations governing historical resources.

Cultural Resources Policy 5.8: Consider providing financial incentives, and educational information on existing incentives provided by the federal government to private owners and development in order to maintain, rehabilitate, and preserve historic resources.

Cultural Resources Policy 5.9: Educate the public on the City's important historic resources in increase awareness for protection (City of Escondido 2012).

2.3.2 Analysis of Project Effects and Determination as to Significance

2.3.2.1 Guidelines for the Determination of Significance

For purposes of this EIR, Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) will apply to the direct, indirect, and cumulative impact analyses. A significant impact to cultural resources would result if the Project would:

- A. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- C. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- D. Disturb any human remains, including those interred outside of formal cemeteries.
- E. Cause a substantial adverse change in significance of a tribal cultural resource as defined in Public Resources Code Section 21074.

The following significance criteria for evaluation of tribal cultural resources are based on CEQA Guidelines Appendix G and provide the basis for determining the significance of impacts associated with tribal cultural resources from implementation of the Project. The Project would have a significant impact on tribal cultural resources if it would:

1. 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.

2.3.2.2 Analysis

A. *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?*

The Project area has been used since the 1960s as a country club and golf course, and is not recognized as a significant historical resource. Houses and associated buildings and infrastructure surround the boundaries of the Project along the north, east, south, and west fence lines. No historical resources have been identified within the Project site, or documented in previous studies. According to the *City of Escondido General Plan*, the Project site is not located with Escondido's Designated Old Neighborhood, nor does the Project site contain any significant historic sites (City of Escondido 2012, Figure VII-13).

An existing clubhouse, associated with former country club and golf course use was analyzed to determine the potential historic sensitivity of the structure. The existing clubhouse structure was built in 1964 along with the craft center located to the southwest, a pool house located to the northeast, and a swimming pool located at the rear of the clubhouse. The clubhouse and craft center meet the minimum age threshold (50 years old) to be considered historic structures. Appendix 2.3-1 includes a comprehensive evaluation of the architectural and historical significance of the two potentially historic buildings in conformance with CEQA and City of Escondido Municipal Code (Ordinance 87-43: Article 40 Historical Resources, Section 33-794) criteria. The historical significance evaluation concluded that the structures lack architectural and historical significance because they lack any historic association with important individuals, architects, or builders, and lack any architectural importance (see Appendix 2.3-1). Therefore, development of the Project, which includes demolishing the existing structures on site, would not create a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, and impacts would be **less than significant**.

B. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

No cultural resources have been identified within the Project site, nor have any been documented in previous studies. The potential for intact, unknown, subsurface prehistoric archaeological materials to be present in the Project site is considered very low due to the developed nature of the site. The Project site is completely developed, and the City is an urbanized community. The survey of land within the Project boundaries located two previously unrecorded cultural resources. Both sites (SDI-21,998 and SDI-21,999) were subjected to a focused study that included the mapping and recordation of all surface elements and the completion of subsurface tests to search for cultural deposits. No surface artifacts were identified; however, six bedrock milling features were recorded. Sites SDI-21,998 and SDI-21,999 were tested through the placement of 12 shovel test pits, which did not record any subsurface deposits. Aside from the milling features recorded at SDI-21,998 and SDI-21,999, no prehistoric artifacts were identified. The prehistoric sites do not retain any additional research potential. Sites SDI-21,998 and SDI-21,999 are characterized as limited use resource processing locations that were likely disturbed during the construction of the golf course at the Escondido Country Club.

Bedrock milling feature sites SDI-21,998 and SDI-21,999 would be directly impacted as part of the grading of the Project. To determine whether sites SDI-21,998 and SDI-21,999 represent significant cultural resources, the testing program was implemented in accordance with CEQA requirements and City guidelines. As a result of the testing program, SDI-21,998 and SDI-21,999 were found to be lacking significant subsurface deposits or further research potential (Appendix 2.3-1). Because these sites have been evaluated as lacking any further research potential, impacts have been determined to be **less than significant**. Site-specific mitigation measures to reduce adverse impacts to SDI-21,998 and SDI-21,999 would not be required.

However, in the unexpected event that grading and excavation activities during construction of the Project unearth previously undiscovered, intact archaeological materials, a potential impact could result. Archaeological monitoring is recommended during any ground disturbance that extends beyond previously disturbed depths, in order to protect any previously unknown subsurface cultural deposits, including during any pre-construction soil testing and the initial grading of the area of potential effect. In the event that any previously undetected cultural resources are encountered, impacts to archaeological resources would be **potentially significant (Impact CR-1)**.

C. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Most paleontological resources are not exposed at the surface, and fossils are usually found during earthmoving activities when geologic features are exposed. The Project site is almost entirely

developed, so the likelihood of encountering subsurface archaeological resources is greatest on sites that have been minimally excavated in the past (e.g., undeveloped parcels, vacant lots, and lots containing surface parking; undeveloped areas around historic buildings; under buildings with post, pier, slab, or shallow wall foundations without basements) (Appendix 2.3-1).

Due to the depth of excavation during grading activities, there is potential to encounter previously undiscovered paleontological resources. Since the exact depths of such resources are unknown, in the event that unexpected intact paleontological resources are unearthed during ground-disturbing activities, impacts would be potentially significant (**Impact CR-2**).

D. Would the Project disturb any human remains, including those interred outside of formal cemeteries?

No evidence of human remains, including those interred outside of formal cemeteries, was discovered during the records search, literature review, field survey, or site testing and evaluation. There is no indication that the Project site was used by Native Americans for religious, ritual, or other special activities; therefore, no impacts to Native American burial sites are expected. Further, the site has been previously disturbed and developed as a golf course. In the event of accidental discovery of any human remains during construction of the Project, impacts would be potentially significant (**Impact CR-3**).

E. Would the Project cause a substantial adverse change in significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

BFSA requested a Sacred Lands File search from the NAHC. The search failed to indicate the presence of Native American cultural resources in the immediate area of the Project; however, the NAHC did indicate that this area is sensitive for potential tribal cultural resources. In accordance with the recommendations of the NAHC, BFSA contacted all Native American tribal contacts listed in the NAHC response letter.

As of the date of the Project's cultural resources report, responses have been received from the Iipay Nation of Santa Ysabel, the Pala Band of Mission Indians, the Agua Caliente Band of Cahuilla Indians, the San Luis Rey Band of Mission Indians, and the Rincon Band of Luiseño Indians. The Iipay Nation requested that a Kumeyaay monitor be present for all survey and ground-disturbing activities and the Pala Band and the Agua Caliente Band both indicated that the Project is outside the limits of their traditional use area. The San Luis Rey Band stated that they have intimate knowledge about many discoveries throughout the Project area and tribal cultural resource sites located in close proximity to the Project. Therefore, the San Luis Rey Band requested the presence of a Luiseño monitor during all survey and ground-disturbing activities and that all further correspondence be done in person. The Rincon Band of Luiseño

Indians indicated the site is in their Traditional Use Area, and also requested that a Luiseño tribal monitor be present during all ground-disturbing activities associated with the Project. The San Luis Rey Band sent a second letter to the City requesting formal tribal consultation pursuant to AB 52. Accordingly, the City has set up a meeting with San Luis Rey Band on June 15, 2017. A copy of all Native American correspondence can be found in the cultural resources study (Appendix 2.3-1).

A Luiseño Native American representative from Saving Sacred Sites was present during the duration of the field survey conducted at the Project site. The Project applicant would continue consultation with the tribes mentioned above and would conform to the requests made by the Kumeyaay and San Luis Rey Band to have a monitor present for all survey and ground-disturbing activities.

Implementation of the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in California Public Resources Code, Section 21074. However, if unknown tribal resources were unearthed during grading activities, impacts would be **potentially significant (Impact CR-4)**.

2.3.3 Cumulative Impact Analysis

A cumulative impact, in terms of cultural resources, refers to the mounting aggregate effect upon cultural resources due to modern or recent historic land use, such as residential development, and natural processes, such as erosion, that result from acts of man. The issue that must be explored in a cumulative impact analysis is the aggregate loss of information as well as the loss of recognized cultural landmarks and vestiges of our community cultural history.

The geographic context for the analysis of cumulative impacts to cultural resources is limited to a 1-mile radius around the Project site. This buffer sufficiently represents the range of unanticipated prehistoric and built environment resources that have been identified by technical investigations within the Project site and that might be encountered during Project construction. Two prehistoric archaeological sites (SDI-21,998 and SDI-21,999) and two buildings of historic age (the clubhouse and craft center buildings) have been identified within the Project area; however, none of these were found eligible for CRHR or local listing following evaluation conducted by cultural resources specialists. The cultural resources site records and literature search of the California Historical Resources Information System at the SCIC indicated that a relatively high number of previous technical studies have been conducted in the applied 1-mile search radius. A total of 50 cultural resource studies have been previously conducted within a 1-mile radius of the Project area. Five of these have included some portion of the Project area itself. These investigations resulted in identification of 20 cultural resources. These sites include two prehistoric bedrock milling sites; one prehistoric bedrock milling site with an associated

artifact scatter; one prehistoric rock alignment; one prehistoric site with rock alignment, rock enclosure, rock rings, and a possible hearth; one scatter of multiple artifact types; one prehistoric lithic scatter; one prehistoric shell scatter; one prehistoric isolate with a possible quarry; and two prehistoric isolated artifacts. Historic resources include one cistern and structure remains; one historic rock cairn and associated pegmatite mine claim, one historic stone fence; one bridge; one rock wall; one rock and concrete house with associated structure remnants and a trash scatter, one stone and concrete wall, one historic single-family residence, and the historic Vista Irrigation District Bench Flumes.

Historic Resources

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of historical resources through the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Cumulative projects would have the potential to result in adverse impacts to historical resources from development activities, including development of land uses as designated in surrounding jurisdictions general plans. These projects would be required to comply with federal, state, and local regulations. However, even with regulations in place, individual historical resources would still have the potential to be impacted or degraded from demolition, destruction, alteration, or structural relocation as a result of new private or public development or redevelopment associated with cumulative projects. Therefore, the cumulative destruction of significant historical resources from construction and development planned within the region would be considered to be a cumulatively significant impact. Additionally, past projects involving development and construction have already impacted historical resources within the region.

A review of site records and reports concludes that 17 of the 50 previous cultural technical studies recorded archaeological or built-environment resources. Of resources identified, one historic-age building (P-37-035641) has been destroyed after being determined to be not eligible for local or CRHR listing. P-37-035641, consisting of a Craftsman Bungalow style building was evaluated and determined to be not significant. This resource may have since been demolished; however, it was documented using appropriate standards and methods. Assuming, for purposes of this analysis, that P-37-035641 was still intact, demolition of the clubhouse and craft center buildings would not impact P-37-035641 because that building is of a different architectural style than the clubhouse and craft center buildings. Thus, the Project **would not result in a cumulatively considerable impact** to a historic resource.

Archaeological Resources

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of archaeological resources through development activities that could cause a substantial adverse change in the significance of an archaeological resource. Any cumulative projects that involve ground-disturbing activities, including the development of land uses as designated under surrounding jurisdictions general plans, would have the potential to result in significant impacts to archaeological resources. These projects would be regulated by applicable federal, state, and local regulations; however, the loss of archaeological resources on a regional level may not be adequately mitigated through the data recovery and collection methods specified in these regulations, as their value may also lie in cultural mores and religious beliefs of applicable groups. Therefore, the cumulative destruction of significant archaeological resources from planned construction and development projects within the region would be cumulatively significant. Additionally, past projects involving development and construction have already impacted archaeological resources within the region.

A review of archaeological site records and reports concludes that 17 of the 50 previous cultural technical studies recorded 20 archaeological resources. Of these 20 recorded resources, 2 archaeological sites (P-37-004561 and P-37-004563) have been destroyed after being determined to be not eligible for local or CRHR listing. P-37-004561 was recorded in 1968 as a prehistoric artifact scatter, which was collected prior to construction of U.S. Highway 395. Bedrock milling features were later identified at this site and evaluated as not significant by BFSA in 2006 prior to development of the Nutmeg Parcel (APNs 224-260-23, -46, and -47). P-37-004563, consisting of a small prehistoric artifact scatter, was destroyed by construction of U.S. Highway 395. These resources were documented using appropriate standards and methods, although the level of detail included in these studies has increased in more recent periods. The remaining 17 resources identified within 1 mile of the Project site have not been impacted by construction, and no projects within this area have been documented at the SCIC to have resulted in a significant impact to cultural resources.

However, as discussed in Section 2.3.2.2, Analysis, under Threshold B, implementation of the Project would have the potential to result in a substantial adverse change in the significance of a previously undiscovered archaeological resource, including the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory. Therefore, the Project, in combination with the identified cumulative projects, would have the potential to result in a **significant cumulative impact** associated with archaeological resources (**Impact CR-CUM-1**).

Paleontological Resources

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with paleontological resources from extensive grading, excavation, or other ground-disturbing activities. Cumulative projects that require significant excavation, such as regional energy and utility projects or the construction of new roadways, would result in adverse impacts to paleontological resources. Additionally, if a cumulative project that requires excavation or grading is located in an area of high or moderate sensitivity, this would result in an increased potential for an adverse impact to a paleontological resource to occur. Cumulative projects would be regulated by state and local regulations, including CEQA. However, the loss of paleontological resources on a regional level may not be adequately mitigated through methods specified in these regulations. Therefore, the cumulative destruction of significant paleontological resources from planned construction and development within the region would be cumulatively significant. Additionally, past projects involving development and construction have already impacted paleontological resources within the region.

As discussed in Section 2.3.2.2 under Threshold C, ground-disturbing activities associated with the Project, in combination with cumulative projects occurring in areas containing geologic formations with high and moderate sensitivity for previously undiscovered paleontological resources, would have the potential to result in a significant impact (**Impact CR-CUM-2**).

Human Remains

Cumulative projects located in region would have the potential to result in impacts associated with human remains due to grading, excavation or other ground-disturbing activities. Projects that may result in significant impacts due to ground-disturbing activities include the development of land uses as designated under surrounding jurisdictions general plans. On a regional level, the disturbance of human remains that are also considered archaeological resources may not be adequately mitigated through methods specified in regulations because their value may also lie in cultural mores and religious beliefs of applicable groups. Therefore, the cumulative disturbance of human remains by construction and development within the region would be considered a cumulatively significant impact. Additionally, past projects involving development and construction have already impacted human remains within the region.

As discussed in Section 2.3.2.2 under Threshold D, the Project would have the potential to disturb previously undiscovered human remains, including those located outside of formal cemeteries, from ground-disturbing activities associated with development of the site. In combination with cumulative projects in the area that would involve ground-disturbing activities, a **potentially significant cumulative impact** would occur (**Impact CR-CUM-3**).

Tribal Resources

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of tribal resources through development activities that could cause a substantial adverse change in the significance of a tribal resource. Any cumulative projects that involve ground-disturbing activities, including the development of land uses as designated under surrounding jurisdictions' general plans, would have the potential to result in significant impacts to tribal resources. These projects would be regulated by applicable federal, state, and local regulations; however, the loss of tribal resources on a regional level may not be adequately mitigated through the data recovery and collection methods specified in these regulations, because their value may also lie in cultural mores and religious beliefs of applicable groups. Therefore, the cumulative destruction of significant tribal resources from planned construction and development projects within the region would be cumulatively significant. Additionally, past projects involving development and construction have already impacted tribal resources within the region.

As discussed in Section 2.3.2.2 under Threshold E, implementation of the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in California Public Resources Code Section 21074. However, if unknown tribal resources were unearthed during grading activities, impacts would be potentially significant. In combination with cumulative projects in the area that would involve ground-disturbing activities, a **potentially significant cumulative impact** would occur (**Impact CR-CUM-4**).

2.3.4 Significance of Impacts Prior to Mitigation

Impact CR-1 In the event that any previously undetected cultural resources are encountered, impacts associated with archaeological resources would be potentially significant.

Impact CR-2 Because the exact depths of sensitive resources are unknown, in the event that unexpected intact paleontological resources are unearthed during ground-disturbing activities, impacts associated with the destruction of a unique paleontological resource or site or unique geologic feature would be potentially significant.

Impact CR-3 In the event of accidental discovery of any human remains during construction of the Project, impacts associated with the disturbance of human remains would be potentially significant.

Impact CR-4 Implementation of the Project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource as defined

in California Public Resources Code, Section 21074, if unknown tribal resources were unearthed during grading activities.

Impact CR-CUM-1 In the event that any previously undetected cultural resources are encountered, the Project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with archaeological resources.

Impact CR-CUM-2 Ground-disturbing activities associated with the Project, in combination with cumulative projects occurring in areas containing geologic formations with high and moderate sensitivity for paleontological resources, could result in a significant cumulative impact associated with paleontological resources or unique geologic features.

Impact CR-CUM-3 The Project would have the potential to disturb human remains, including those located outside of formal cemeteries, from ground-disturbing activities associated with development of the site. In combination with cumulative projects that have the same potential to disturb human remains during ground-disturbing activities, a potentially significant cumulative impact associated with human remains would occur.

Impact CR-CUM-4 In the event that any previously undetected tribal resources are encountered, the Project in combination with the identified cumulative projects would have the potential to result in a significant cumulative impact associated with tribal resources.

2.3.5 Mitigation

M-CR-1 An archaeological resources monitoring program shall be implemented that shall include the following:

1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of Escondido (City) that a certified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the Project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.
2. The qualified archaeologist and a Native American representative(s) shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. Native American

monitors/representatives from the Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians, and the Kumeyaay Nation shall be invited to participate in the monitoring program.

3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and tribal representative shall be on site, as determined by the consulting archaeologist, to perform periodic inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The consulting archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated.
4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.
5. In the event that previously unidentified cultural resources are discovered, either the archaeologist or Native American Representative shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the Project manager at the time of discovery. The archaeologist, in consultation with the Project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency before being carried out using professional archaeological methods. If any human bones are discovered, the San Diego County coroner and the lead agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposal of the remains.
6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
7. In the event of the discovery of human remains determined to be Native American, any artifacts associated with the burial will be repatriated with the human remains at the request of the Most Likely Descendent. All other

~~artifacts that may be encountered during grading and collected by the archaeologist will be curated at an approved facility unless the Native American representatives request that the artifacts be repatriated to the tribal representative. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.~~

8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms.

M-CR-2

Prior to commencement of Project construction, a qualified paleontologist shall be retained to attend the Project pre-construction meeting and discuss proposed grading plans with the Project contractor(s). If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined below.

- ~~1.~~ 1.—A qualified paleontologist or a paleontological monitor under the direction and supervision of a qualified paleontologist, shall be on site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is defined as an individual who has at least 1 year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation, and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).

- a. Qualified Paleontologist: The project paleontologist is a person who has a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g sedimentary or stratigraphic geology, evolutionary biology, etc.); has a demonstrated knowledge of southern California paleontology and geology; and has documented experience unprofessional paleontological procedures and techniques.

b. Qualified Paleontological Monitor: A paleontological monitor is defined as an individual with at least one year of experience in field identification and collecting of fossil materials

Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of the excavation, and may be either increased or decreased thereafter by the qualified paleontologist depending upon initial results of monitoring.

2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days). All collected fossil remains shall be cleaned, sorted, cataloged and deposited in an appropriate scientific institution (such as the San Diego Natural History Museum) at the applicant's expense.
3. A report (with a map showing fossil site locations) summarizing the results, analyses, and conclusions of the above-described monitoring/recovery program shall be submitted to the City within 3 months of terminating monitoring activities.

M-CR-3

As specified by California Health and Safety Code, Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ (where they were discovered) by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code, Section 5097.98. The Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on site and in the presence of a Native American monitor.

2.3.6 Significance of Impacts After Mitigation

Implementation of **M-CR-1** would reduce **Impact CR-1**, **Impact CR-4**, **Impact CR-CUM-1**, and **Impact CR-CUM-4** to less than significant by requiring a comprehensive archaeological resources monitoring program as described above.

Implementation of **M-CR-2** would reduce **Impact CR-2** and **Impact CR-CUM-2** to a level less than significant by requiring a qualified paleontologist to be retained prior to construction commencing. If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined in **M-CR-2**.

Implementation of **M-CR-3** would reduce any potential impacts to accidental discovery of human remains (**Impact CR-3** and **Impact CR-CUM-3**) to less than significant by setting forth the procedures for handling human remains as consistent with California Health and Safety Code Section 7050.5.

After mitigation, the Project would not represent a significant adverse impact to cultural resources.

Table 2.3-1
Cultural Resources within 1 Mile of the Escondido Country Club Project

Site Number(s)	Site Type
SDI-5356 and P-37-035640	Prehistoric bedrock milling feature(s)
SDI-4561	Prehistoric bedrock milling features and an associated artifact scatter
SDI-5361	Prehistoric rock alignment
SDI-5366	Prehistoric rock alignment, rock enclosure, rock rings, and possible hearth
SDI-4563 (<i>recorded in 1971; not relocated in 2010</i>)	Prehistoric artifact scatter
SDI-5355	Prehistoric lithic scatter
SDI-5176	Prehistoric shell scatter
SDI-5354	Prehistoric isolate and possible quarry
SDI-4959 and SDI-5367	Prehistoric isolate
SDI-5362	Historic cistern and structure remains
SDI-5363	Historic rock cairn and associated pegmatite mine claim
SDI-5364	Historic stone fence
SDI-5368	Historic bridge
SDI-12,535/H	Historic rock wall (possibly associated with an early aqueduct)
SDI-12,543/H	Historic rock and concrete house with associated wooden garage, structure pad remnants, and historic trash scatter
P-37-030889	Historic Vista Irrigation District Bench Flumes
P-37-035639	Historic stone and concrete wall (possible basin or watering trough)
P-37-035641	Historic single-family, Craftsman-style residence

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