

2.4. Cultural Resources

This section addresses potential cultural resources impacts that may result from construction and/or operation of the Safari Highlands Ranch (SHR) project. The following discussion addresses the existing cultural resources conditions of the affected environment, evaluates the SHR project’s consistency with applicable goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the SHR project, as applicable.

The analysis in this section is largely based on the archaeological and historical report prepared by Brian F. Smith and Associates, Inc. (BFSAI) (2016) and peer reviewed by ECORP Consulting. The report is included in **Appendix 2.4-1** (confidential appendices are excluded for protection of resources).

The table below summarizes the cultural resources impacts detailed in **Section 2.4.4**.

Summary of Cultural Resources Impacts

Threshold Number	Issue	Determination	Mitigation Measures	Impact After Mitigation
1	Historical Resources	Less than Significant Impact	None required	Less than Significant Impact
2	Archaeological Resources	Potentially Significant Impact	CUL-1 through CUL-4	Less than Significant Impact
3	Paleontological Resources	No Impact	None required	No Impact
4	Human Remains	Potentially Significant Impact	CUL-5 through CUL-7	Less than Significant Impact
5	Tribal Cultural Resources	Less than Significant Impact	None required	Less than Significant Impact

2.4.1. Existing Conditions

The SHR project site is located in an area of San Diego County characterized as inland foothills and valleys situated below 3,000 feet above mean sea level (amsl), where the local biological habitat has tremendous diversity and water is seasonally abundant. More specifically, the site is located near the San Dieguito River and various tributaries of that watershed that supported large populations of Native Americans over the past 10,000 years where the area was used for ranching and farming. Native American cultures that have been identified in the general vicinity of the SHR project consist of a possible Paleo Indian manifestation of the San Dieguito Complex, the Archaic and Early Milling Stone horizons represented by the La Jolla Complex, and the Late Prehistoric Luiseño and Kumeyaay cultures.

A complete discussion on the ethnography, environmental and historical setting of the SHR project site is found in **Appendix 2.4-1** (pages 3.0-1 through 3.0-10).

The project site was subject to two previous cultural resources studies, the first in 1992 and the second in 2001. BFSa prepared an updated cultural resources study in 2016 for the SHR project. The study included an updated records search of previously recorded archaeological sites on or near the property, a survey of previously unsurveyed portions of the project site, preparation of an inventory of all archaeological sites within the project site, and tests to evaluate the potential significance of all cultural resources identified within the project boundaries.

Additionally, BFSa conducted an archaeological records search at the South Coastal Information Center (SCIC) at San Diego State University in order to assess the previous archaeological studies within the project site (Appendix II of the BFSa study; see **Appendix 2.4-1**). Further, a Sacred Lands File search was requested from the Native American Heritage Commission (NAHC) to solicit information regarding any sacred, ceremonial, or traditional cultural properties within the project area (BFSa 2016; **Appendix 2.4-1**).

The updated archaeological survey and site testing program for the SHR project area took place between October 2014 and October 2015. A total of 16 new sites were located during the survey and were subsequently registered with the South Coastal Information Center (SCIC) at San Diego State University (BFSa 2016, page 1.0-3; **Appendix 2.4-1**). The findings include 37 prehistoric sites, eight historic sites, and four multicomponent (prehistoric and historic) sites.

Nine of the 33 previously recorded resources were tested for significance prior to 2014. As part of the 2016 cultural resources study for the SHR project, any resources that had not been previously tested were evaluated for significance by BFSa. Some sites that were previously evaluated in 2001 required additional tests to obtain adequate information to evaluate site significance and analyze potential impacts. Five of the previously recorded sites could not be relocated during the 2014–15 survey and therefore were not included in the site evaluation program. These sites were not subjected to testing and evaluation, although site boundaries were identified and recorded.

BFSa conducted testing and evaluation of the cultural sites identified during the 2014–15 survey between January and October 2015. Testing of the historic and prehistoric sites was conducted by surface examination, recordation of features, mapping and collection of surface artifacts, excavation of shovel test pits to identify any subsurface artifact content, and excavation of test units to more thoroughly investigate the stratigraphy of the soils and cultural deposits at sites that warranted further subsurface investigations. Exceptions to this methodology were those sites where shovel tests produced no evidence of subsurface deposits; in such cases, test unit excavations were often not conducted.

In addition to field investigations, historic research was conducted for the historic sites in order to identify any historical events or persons associated with these resources. Based on site visits and research conducted, 49 cultural resources sites were identified within the project boundaries.

Historic Resources

Twelve of the 49 sites identified as having cultural significance represent historical cultures. The site types for these historical resources include rock walls, foundations, and temporary campsites; however, through evaluation by BFSAs, they were determined not to be significant historical resources under the California Environmental Quality Act (CEQA) and are not eligible for the California Register of Historical Resources (CRHR).

Archaeological Resources

Two of the sites identified, SDI-14,770 and SDI-15,072, have been identified as CEQA-significant. **Tables 2.4-1** and **2.4-2** summarize on-site project-related cultural resource impacts (BFSAs 2016, page 7.0-2; **Appendix 2.4-1**).

Table 2.4-1 Summary of Investigations at the Safari Highlands Ranch Sites

	Site ID: SDI-14,770	Site ID: SDI-15,072
Tested	Yes	Yes
Site Type ¹	SC	SC
Significant?	Yes	Yes
Potential Direct Impacts	Yes	Yes (partial)
Cultures Represented	Prehistoric	Prehistoric
Surface Area (m ²)	19,232.8	2,323
Subsurface Area (m ²)	8,988.6	1,343
Max. Subsurface Depth (cm)	70	90
Total Artifacts Collected	667	83

Source: BFSAs 2016; **Appendix 2.4-1**

Notes: 1. SC = Seasonal/Semi-Permanent Camp; m² = square meters; cm = centimeters

Table 2.4-2 SHR Project-Related Cultural Resource Impacts

Directly Impacted	
Number of CEQA-Significant and CRHR-Eligible Sites Directly Impacted	2
Number of Not CEQA-Significant and Not CRHR-Eligible Sites Directly Impacted	34
Total Number of Sites Directly Impacted	36

Source: BFSAs 2016; **Appendix 2.4-1**

Paleontological Resources

The SHR project site is underlain primarily by granitic crystalline igneous rocks of the Southern California Batholith (granodiorite and tonalite), metamorphic rocks, alluvium, and topsoil/colluvium (Geocon 2014, page 1; **Appendix 2.5**). According to the City’s General Plan Environmental Impact Report (Escondido 2012b), no paleontological resource potential is assigned to geologic formations composed entirely of volcanic or plutonic igneous rock (i.e., basalt or granite), and these substrates do not have any potential for producing fossil remains.

Native American Consultation

Pursuant to Assembly Bill 52 (AB 52), Senate Bill 18 (SB 18), and CEQA Section 21080.3.1, the City of Escondido compiled a list of all California Native American tribes that have requested consultation regarding development projects on lands with which these tribes were culturally and traditionally affiliated. The AB 52 consultation list consists of the Rincon Band of Luiseno Indians, the San Pasqual Band of Mission Indians, the San Luis Rey Band of Mission Indians, and the Soboba Band of Luiseno Indians. On August 21, 2015, the City sent an individual letter to each tribe inviting them to participate in a consultation, which also included a description of the SHR project and its location and a City contact person to start the consultation process. Copies of those letters are included in Appendix III of **Appendix 2.4-1** and **Appendix 2.4-2** of this EIR.

As a result of consultation requests, the City conducted a consultation with the Rincon Band of Luiseno Indians on September 29, 2015, and with the San Luis Rey Band of Mission Indians on August 28, 2015. Further, the City received correspondence on May 10, 2017, from the San Pasqual Band of Mission Indians requesting a consultation on the project. Comments obtained through Native American consultation included questions regarding the timing of additional testing and surveys as outlined in the archaeological and historical report and the proximity of the proposed project entry road to identified sites. Tribal representatives also indicated that they wanted to continue to participate in the project review through review of the EIR and technical reports and to ensure the presence of Native American monitors during grading activities near identified cultural resource sites. The Soboba Band of Luiseno Indians did not request a consultation.

2.4.2. Regulatory Framework

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 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

California Register of Historical Resources

The State Historical Resources Commission designed the CRHR for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archaeological resources. This program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords certain protections under CEQA.

California Environmental Quality Act

CEQA includes specific provisions in regard to the identification and treatment of cultural resources. Key definitions and regulatory frameworks are described below.

A historical resource is a resource that:

- Is listed in or has been determined eligible for listing in the California Register of Historical Resources by the State Historical Resources Commission, or has been determined historically significant by the CEQA lead agency because it meets the eligibility criteria for the CRHR;
- Is included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k); or
- Has been identified as significant in an historical resources survey, as defined in Public Resources Code 5024.1(g) [CCR Title 14, Section 15064.5(a)].

The eligibility criteria for the CRHR are as follows [CCR Title 14, Section 4852(b)]:

1. 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;
2. It is associated with the lives of persons important to local, California, or national history;

3. It 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
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource should be at least 50 years old and must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)].

Historical buildings and structures are evaluated using CRHR Criteria 1, 2, and 3. The results of historical research are used to determine whether the building or structure is associated with important historical events or persons, and architectural analysis is used to assess whether the building or structure embodies distinctive characteristics or possesses high artistic values. Archaeological sites are usually evaluated under Criterion 4. An archaeological test program may be necessary to determine whether the site has the potential to yield important data. The CEQA lead agency makes the determination of eligibility, usually by certifying the environmental document if it contains the results of the evaluation.

Impacts to a historical resource (as defined by CEQA) are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)].

Senate Bill 18 (SB 18)

Senate Bill 18 (Government Code Sections 65352.3 and 65352.4) was enacted on March 1, 2005, requiring that a lead agency consult with Native American tribe identified by the Native American Heritage Commission (NAHC) for the potential preservation of, or mitigation of impacts to, Native American places and/or objects discovered within the jurisdiction of the lead agency. All projects that propose to adopt or amend a general plan or specific plan (proposed on or after March 1, 2005) are subject to the requirements of SB 18, and therefore, the SHR project is required to complete all SB 18 consultation requirements prior to adoption of the proposed SHR Specific Plan. The consultation intends to establish a meaningful dialogue regarding potential means to preserve known Native American places or objects of importance. Additionally, SB 18 allows for tribes to acquire and maintain conservation easements and for tribal cultural places to be considered in open space planning.

Assembly Bill 52 (AB 52)

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 Health and Safety Code Sections 7050.5, 7051, and 7054

These Health and Safety Code sections address the illegality of interference with human burial remains and the disposition of Native American burials on an archaeological site. The law protects remains from disturbance, vandalism, and inadvertent destruction, and establishes procedures that outline mitigation measures if remains are found on the site during construction.

California Historical Landmarks Program

The California Historical Landmarks Program officially recognizes places and events that have significantly contributed to California's rich history. The program is aimed at long-term protection and maintenance of registered historical landmarks. Such landmarks may include missions, early settlements, battlegrounds, and/or gold rush sites.

Local

City of Escondido General Plan – Resource Conservation Element

The highest concentration of Escondido's historic buildings is in the downtown and the Old Escondido Neighborhood Historic District. The City's General Plan Resource Conservation Element provides policy and guidance addressing the preservation and supporting the protection of cultural and historical resources. In addition, the element includes a Resource Conservation Overlay to guide the establishment of a comprehensive system containing cultural resources. The following General Plan goals and policies are applicable to the project:

Chapter I. Vision and Purpose

G. Community Goals

Land Use Goal 14

Recognition of the jurisdictional authority of local Native American Tribes.

Resource Conservation Goal 5

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

Chapter II. Land Use and Community Form

Residential Clustering Policy 5.6

Cluster projects shall avoid sensitive cultural and biological resources and density transfer from such sensitive areas shall be of limited yield to meet the above policies.

Residential Clustering Policy 5.7

Lands devoted to permanent open space should not be developed with structural uses other than agricultural accessory buildings. Uses should be restricted to agriculture; historic, archaeological, or wildlife preserve; water storage or recharge area; leach field or spray disposal area; scenic areas; protection from hazardous area; or public outdoor recreation.

Tribal Area Land Use Goal 14

Recognition of the jurisdictional authority of local Native American Tribes.

Chapter VII. Resource Conservation

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 5.2

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 5.6

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.

City of Escondido Municipal Code

Municipal Code Chapter 33, Article 40, 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 a 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 also establishes that it is 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 without first obtaining a permit as outlined in Article 40, Section 33-798. Article 40 requires that all repairs, alterations, constructions, restorations, or changes in use of applicable historical resources conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for

Rehabilitation. Demolition of such resources requires a permit acquired in accordance with Article 40, Sections 33-801, 33-802, and 33-803.

2.4.3. Thresholds for Determination of Significance

City of Escondido Environmental Quality Regulations (Zoning Code Article 47) and Appendix G of the CEQA Guidelines as amended contain analysis guidelines related to the assessment of cultural resources impacts. A project would result in a significant impact if it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (or conflict with applicable historic thresholds specified in City of Escondido Zoning Code Article 47).
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
3. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
4. Disturb any human remains, including those interred outside of formal cemeteries.
5. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Section 21074.

2.4.4. Analysis of Project Effects and Determination of Significance

Threshold 1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (or conflict with applicable historic thresholds specified in City of Escondido Zoning Code Article 47)?

The cultural resources assessment (BFSA 2016; **Appendix 2.4-1**) performed for the project identified resources representing historic cultures. The site types for these historical resources include rock walls, foundations, and temporary campsites. These sites were evaluated and determined to not be significant resources under CEQA. The historical resources were determined to not be significant and not eligible for the CRHR because they do not have historic, architectural, or informational value. A detailed discussion of each resource can be found in the cultural resources assessment in **Appendix 2.4-1**. Therefore, impacts to known on-site historic resources would be **less than significant**.

Threshold 2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Site visits and research identified 49 archaeological sites within the SHR project site. Of the 49 sites, 36 are located in areas that are proposed for development and will be impacted by the project. The remaining 13 sites are located outside of the proposed development footprint and will not be directly impacted by project construction activities. Two sites, SDI-21,575 and SDI-21,596, were identified as CEQA-significant and eligible for the CRHR as historical resources; however, these sites will not be impacted by the project (e.g., avoided) and will be within dedicated and permanent open space easements.

Of the 36 sites that will be directly impacted (e.g., physically destroyed) due to project grading and brushing activities, two sites (SDI-14,770 and SDI-15,072) were determined to be significant and eligible for the CRHR (defined as historical resources by CEQA), and 34 have been identified as not CEQA significant and not eligible for the CRHR. All information regarding site locations is provided in a separate confidential appendix and is not available for public disclosure in accordance with California Government Code Section 6254.10.

As shown in **Table 2.4-1**, the two CEQA-significant sites—SDI-14,770 and SDI-15,072—would be directly impacted by project construction, resulting in an adverse change in the significance of these resources. Additionally, the potential to encounter undiscovered cultural sites during grading is considered high given the density of archaeological sites within the development area. Significant impacts could occur to cultural resources uncovered by clearing and grading. Therefore, impacts to archaeological resources would be **potentially significant**.

Implementation of mitigation measures **MM CUL-1** through **MM CUL-4** would reduce the project's potential impacts to archaeological resources to a **less than significant** level.

Mitigation Measures

MM CUL-1 An archaeological resources monitoring program shall be implemented, which shall include the following:

1. Prior to issuance of a grading permit, the project applicant shall provide written verification to the City of Escondido that a qualified 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 Luiseno 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) shall be on-site full time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features.
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, the archaeologist 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 shall 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, then carried out using professional archaeological methods. If any human bones are discovered, the County coroner and 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. 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 Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms.

Timing/Implementation: Prior to ground-disturbing construction activities

Enforcement/Monitoring: City of Escondido Engineering and Planning Divisions

MM CUL-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. A qualified paleontologist or a paleontological monitor shall be on-site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is defined as an individual who has at least one year of experience in the 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 on initial results (per direction of a qualified paleontologist).

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, catalogued, and deposited in an appropriate scientific institution (such as the San Diego Museum of Natural History) at the project 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 three months of terminating monitoring activities.

Timing/Implementation: Prior to ground-disturbing construction activities

Enforcement/Monitoring: City of Escondido Engineering and Planning Divisions

MM CUL-3 For the cultural prehistoric/historic resources determined to be significant, the following site avoidance and preservation methods shall be incorporated:

- Site avoidance by preservation of archaeological sites in a natural state in open space, or in specific open space easements;
- Site avoidance by preservation through capping the site and placing landscaping on top of the fill;
- Data recovery through implementation of an excavation and analysis program; or
- A combination of one or more of the above measures.

For those sites that are found to contain significant resources and for which avoidance and preservation is not feasible or appropriate, the project applicant shall prepare a data recovery program. The plan will, at a minimum, include the following:

- A statement of why data recovery is appropriate as a mitigation measure;
- A research plan that explicitly provides the research questions that can reasonably be expected to be addressed by excavation and analysis of the site;
- A statement of the types and kinds of data that can reasonably be expected to exist at the site and how these data will be used to answer important research questions;
- A step-by-step discussion of field and laboratory methods to be employed; and

- Provisions for curation and storage of the artifacts, notes, and photographs.

Grading operations within the affected area may resume once the site has been fully evaluated and mitigated to the satisfaction of the Planning Director. All significant artifacts collected during the implementation of the data recovery program shall be curated at a facility approved by the City.

Timing/Implementation: Prior to ground-disturbing construction activities

Enforcement/Monitoring: City of Escondido Engineering and Planning Divisions

MM CUL-4 All artifacts collected during the implementation of the data recovery program, as well as any collected during the cultural resources testing program, shall be permanently curated at a facility approved by the City, such as the San Diego Archaeological Center (SDAC).

Timing/Implementation: Prior to ground-disturbing construction activities

Enforcement/Monitoring: City of Escondido Engineering and Planning Divisions

Level of Significance After Mitigation

This impact would be reduced to a less than significant level through implementation of a grading monitoring program (**MM CUL-1** and **MM CUL-2**) and a data recovery program at the site (**MM CUL-3**) prior to approval of any grading and/or improvement plans that would result in a direct impact or prior to the approval of the final map. The research design and data recovery program are included as Section 9.0 of the cultural resources assessment; refer to BFSAs 2016, page 9.0-1; **Appendix 2.4-1**. All data recovery shall include Native American monitors representing the Rincon Band of Luiseno Indians, San Luis Rey Band of Mission Indians, and Soboba Band of Luiseno Indians.

There is a possibility that potential unknown buried CEQA-significant cultural sites could be discovered during on- and off-site grading activities (**Impact CUL-1**). Mitigation measures **MM CUL-1** to **MM CUL-4**, which require monitoring during project grading and a data recovery program, would be implemented to mitigate potential impacts to undiscovered buried archaeological resources on the SHR project site.

Implementation of the above-described grading monitoring and data recovery program (**MM CUL-1** to **MM CUL-4**) would ensure that no significant impacts to archaeological resources occur as a result of SHR project development, thereby also ensuring compliance with CEQA and California Government Code Section 65352.3 (Senate Bill 18). Implementation of the proposed mitigation measures would ensure that relevant information contained in the archaeological record, which is important in understanding prehistory and history, is preserved. Therefore, impacts would be **less than significant** with mitigation measures incorporated.

Threshold 3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Based on the granitic geologic formations underlying the SHR project site, no resource potential is assigned to geologic formations that are composed entirely of volcanic or plutonic igneous rock, such as basalt or granite. These formations do not have any potential for producing fossil remains (Escondido 2012b). Therefore, **no impact** would occur.

Threshold 4: Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

No human remains have been identified on the project site; however, the proposed project could result in the inadvertent disturbance of currently undiscovered human remains. Any discovery of human remains would trigger state law governing the treatment of human remains. Procedures of conduct following the discovery of human remains on non-federal lands are mandated by Health and Safety Code Section 7050.5, by Public Resources Code Section 5097.98, and by CEQA in California Code of Regulations Section 15064.5(e). According to these provisions, should human remains be encountered, all work in the immediate vicinity of the burial must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. Because the project would have the potential to result in the discovery of human remains on the site, such impacts would be considered **potentially significant**. Implementation of mitigation measures **MM CUL-5** through **MM CUL-7** would reduce the project's potential impacts to **less than significant**.

Mitigation Measures

MM CUL-5 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 Department of the Medical Examiner. 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 in the presence of a Native American monitor.

Timing/Implementation: During ground-disturbing construction activities

Enforcement/Monitoring: City of Escondido Engineering and Planning Divisions

MM CUL-6 All cultural materials, with the exception of sacred items, burial goods, and human remains, collected during the grading monitoring program and from any previous archaeological studies and excavations on the project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the appropriate tribe's curation facility, which meets the standards set forth in 36 Code of Federal Regulations (CFR) Part 79 regulating federal repositories.

Timing/Implementation: During ground-disturbing construction activities

Enforcement/Monitoring: City of Escondido Engineering and Planning Divisions

MM CUL-7 All sacred sites, should they be encountered on the project site, shall be avoided and preserved as the preferred mitigation, if feasible, as determined by a qualified professional in consultation with the tribe(s). To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.

Timing/Implementation: During ground-disturbing construction activities

Enforcement/Monitoring: City of Escondido Engineering and Planning Divisions

Level of Significance After Mitigation

This impact would be reduced to a less than significant level through implementation of California Health and Safety Code Section 7050.5, which requires that no further disturbance occur until the county coroner (the medical examiner, in San Diego County) has made the necessary findings as to origin, and also California Public Resources Code Section 5097.98(b), which requires that all remains be left in place and free from disturbance until a final decision as to the treatment and disposition has been made (**MM CUL-5**).

In addition, all remains must be properly collected and curated (**MM CUL-6**) to ensure preservation of findings. Implementation of proper recovery methods (**MM CUL-5** and **MM CUL-6**) or avoidance of disturbance and/or preservation of any sacred sites identified (**MM CUL-7**) would ensure that no significant impacts to human remains would occur. Therefore, impacts would be **less than significant** with mitigation measures incorporated.

Threshold 5: Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Section 21074?

During the BFSAs archaeological evaluation, no evidence of human remains, including those interred outside of formal cemeteries, was identified during the records search, literature review, field survey, or site testing and evaluation program. There is no indication that the project site was used by Native Americans for religious, ritual, or other special activities. No

information has been obtained through AB 52 or SB 18 Native American consultation that would indicate the presence of any significant tribal resource.

During the field survey and site evaluation, Kumeyaay Native American representatives observed the archaeological fieldwork. Members of Red Tail Monitoring & Research, Inc. (Red Tail) provided the Native American observation. Based on fieldwork, none of the sites were determined to be culturally or spiritually significant. No traditional cultural properties that currently serve religious or other community practices are known to exist within the SHR project area. A grading monitoring program will be included in the mitigation monitoring and reporting program which includes state law requirements should human remains be identified during ground-disturbing activities. Therefore, impacts would be **less than significant**.

2.4.5. Sources Cited

BFSA (Brian F. Smith and Associates, Inc.). 2016. *An Archaeological/ Historical Study for the Safari Highlands Ranch Project*. Appendix 2.4-1

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