

## SECTION 13 CULTURAL RESOURCES

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This section presents the potential effects of the Water Authority's Proposed Project on prehistoric and historic cultural resources. Cultural resources are the material artifacts of past human activity or historic buildings and structures. These nonrenewable resources may be found in both marine and terrestrial settings within the Proposed Project area.

This section begins with a description of the prehistoric and historic setting of the San Diego region, followed by a discussion of the Federal, State, and local cultural resources preservation regulations. A qualitative analysis of potential effects to cultural resources associated with the Proposed Project is provided in Section 13.3. Mitigation measures to reduce, avoid or eliminate effects to a less than significant level are also provided, where appropriate. Finally, Section 13.4 identifies cultural resources effects found not to be significant.

### 13.1 REGIONAL SETTING

#### 13.1.1 Paleoindian Period Circa ~7000 BC – 6000 BC

Although a variety of competing archeological sequences have been proposed for San Diego County, archaeologists generally agree that Native Americans occupied San Diego County as early as 9,000 years ago (EDAW 2002a). The earliest well-documented prehistoric sites in Southern California are identified as belonging to the Paleoindian period between 9,000 and 8,000 years ago. Native Americans in this time period were nomadic and generally believed to have hunted large mammals, including marine mammals. Paleoindian people in the San Diego region are referred to as the San Dieguito people (Carter 2000). Debate is ongoing as to whether these people continued to occupy San Diego County or abandoned the region around 8,000 years ago (EDAW 2002b; EDAW 2002c). According to both scenarios, the early occupants made use of coastal and inland resources such as plants, animals, shellfish, and fish (Ogden 1997a; EDAW 2002d). Diagnostic artifacts associated with San Dieguito tradition include scraper planes, choppers, scraping tools, crescentics, elongated bifacial knives, and intricate leaf shaped points (Ogden 1997b; EDAW 2002e). Most archeological evidence associated with this period has been found at surface level around dry inland lakes, on old terrace deposits of the California desert, and near the Pacific Coast. In areas adjacent to the coast, evidence has been covered by rising sea levels. In more inland regions, alluvial sedimentation in valley areas has covered these materials (EDAW 2002a).

#### 13.1.2 Archaic Period Circa ~6000 BC – 500 AD

Native Americans with an Archaic stage of development were generally hunters and gatherers. At sites dated between approximately 8,000 and 1,500 years ago, the increased presence of ground stone artifacts, atlatl dart points and other tools indicates an increased focus on grinding/processing seeds and hunting smaller animals, including marine invertebrates (EDAW 2002a). Archaic period Native Americans in San Diego are referred to as the La Jollan people (Carter 2000).

### **13.1.3 Late Prehistoric Period Circa ~500 AD – 1500 AD**

While Native Americans in other regions of North America developed horticulture and agriculture, Southern Californian cultures essentially remained in the Archaic stage until historic contact with Europeans, about 500 years ago (EDAW 2002f; EDAW 2002g). Approximately 2,000 to 1,000 years ago, Yuman-speaking people entered the area and assimilated the La Jollan cultural group (Carter 2000). Cultural and technological shifts caused by the melding of the old cultural groups with the new, separate the Late Prehistoric from the Archaic. These shifts include the introduction of the bow and arrow, cremation burial practices, and ceramics. Other cultural traits associated with this period include elaborate kinship systems, clan systems, rock art, and trading networks (Ogden 1997c; EDAW 2002h).

### **13.1.4 Ethnohistoric Period Circa ~1500 AD – 1769 AD**

When Spanish colonists began to settle in California, the Coastal Plains area was likely primarily within the territory of a loosely integrated cultural group historically known as the Kumeyaay or Northern Diegueño. In 1542, the native population of San Diego was estimated to be 20,000, with three distinguishable Native American groups (Carter 2000). These groups included the Luiseno, Cahuilla, and Kumeyaay. A brief description of these groups is available through CERES, as adapted from *California Indians* by Linda Spizzirri, and is included below.

#### **13.1.4.1 Luiseño**

The Luiseño spoke Takic and lived along the Southern California coast in cone-shaped, thatched structures. Their primary foods included acorns, seeds, nuts, berries, sunflower seeds, small game, deer, fish and waterfowl (CERES 2003).

#### **13.1.4.2 Cahuilla**

The Cahuilla lived in Southern California, southwest of the San Bernardino Mountains. They lived in domed brush shelters, or rectangular thatched houses. Their sources of food included fish, small game, acorns, roots, berries, corn, squash and beans. As with the Luiseno, the Cahuilla also spoke Takic (CERES 2003).

#### **13.1.4.3 Kumeyaay and Northern Diegueño**

The Kumeyaay and Northern Diegueño Indians, also known as the Ipai, were thought to have lived in Southern California and northern Baja California in dome-shaped structures and caves. They fed on similar foods as other tribes in the area including acorns, berries, small game, cactus, and prickly pear (CERES 2003).

In general, native people lived in semi-permanent villages, traveling to forage for food and depending heavily on acorns, small animals, and fishing. They had no beasts of burden and did not use the wheel (Carter 2000). Major coastal villages were present in Sorrento Valley and near the western end of the San Dieguito River Valley. Villages at the edge of the Coastal Plains in

Poway, Sabre Springs, Rancho Bernardo, and Escondido were a second series of major settlements in the inland valleys. The absence of villages in the Coastal Plains suggests that it was a region used primarily for hunting and gathering.

### **13.1.5 Historic Period Circa ~1769 – Present**

#### **13.1.5.1 Spanish Period (1769 – 1821)**

In 1769, to spread Christianity and discourage potential incursions by England or Russia, the King of Spain ordered the settlement of Alta California, an area claimed by Spain two centuries earlier. The San Diego area was selected for the first settlement and parties were sent north from Mexico by land and sea. The first Spanish settlers were military men and Franciscan monks (Carter 2000). Several permanent Spanish settlements and missions were established in the San Diego region. Beginning in 1773, Native Americans were enrolled as converts at the first Alta Californian Mission – San Diego de Alcalá. Native culture was increasingly modified as more and more aboriginal people came under the influence of the missions (EDAW 2002a). Agriculture and livestock grazing formed the basis of the economy, and the main activities undertaken at the Mission. By 1794, 1,405 Native Americans were in residence at Mission San Diego de Alcalá (Carter 2000). In 1807, under the direction of missionaries, Kumeyaay Indian workers began construction of Padre Dam and its appurtenant flume to capture San Diego River water for Mission use (Carter 2000). The dam was completed in 1816 – the first water project in the semi-arid San Diego region (EDAW 2002a).

#### **13.1.5.2 Mexican Period (1821 – 1848)**

In 1821, Mexico gained its independence from Spain and took possession of California. Large land grants in the San Diego region were given to Mexican supporters of the revolution. In 1827 and 1837, smallpox epidemics decimated the California Native American population and reduced San Diego to a small settlement. Mexico's Act of Secularization in 1832 empowered the government to confiscate most mission land. This act displaced thousands of Native Americans that had been living in the missions and granted vast tracts of land to Mexican cattle ranchers. In 1847, Mexico surrendered control of Southern California to the United States. California became a United States Territory in 1848 with the signing of the Treaty of Guadalupe Hidalgo.

#### **13.1.5.3 American Period (1848 – Present)**

Shortly before the Treaty of Guadalupe Hidalgo was signed, gold was discovered at Sutter's Mill and the Gold Rush was sparked (Carter 2000). The Gold Rush of 1849, the conclusion of the Civil War in 1865, the passage of the Homestead Act of 1862, and the construction of connecting railways in 1885 spurred an unprecedented population boom in California. In 1850, California became a state and in 1853, San Diego County was organized. In the 1880s there was a concerted effort on the part of land developers to entice people to move westward. Consequently, between 1880 and 1890, the population of San Diego expanded from 8,000 to 35,000 people, hugely increasing the demand for water. The San Diego Flume Company incorporated in 1886, completed construction of a dam in Cuyamaca Valley that same year.

Water was brought to San Diego by a 35-mile-long wooden flume that was dedicated in 1889 (EDAW 2002a). In 1895, Escondido built a diversion dam on the San Luis Rey River (Escondido Creek) and a canal to supply Escondido with water (Carter 2000). Inland farmers also constructed small local diversion dams. During 1917 and 1918, the San Dieguito Mutual Water Company constructed the Lake Hodges dam to irrigate the valley below (EDAW 2002a).

Many farms were abandoned or consolidated during the Depression era in the 1930s – 1940s. Small farming communities dwindled or disappeared. In the 1980s, the Cold War military industrial complex became well established in the region and the population increased dramatically. New residents continue to be drawn to the mild climate and job opportunities of the San Diego region.

## **13.2 REGULATORY SETTING**

### **13.2.1 Federal**

Proposed Project facilities do not have Federal involvement at this time; however, Federal regulations may apply at later stages when Federal funding or authorizations are required.

### **13.2.2 State**

#### **13.2.2.1 California Native American Graves Protection and Repatriation Act (2001)**

In the California Health and Safety Code, Division 7, Part 2, Chapter 5 (Sections 8010-8030), broad provisions are made for the protection of Native American cultural resources. The California Native American Graves Protection and Repatriation Act sets the State policy to ensure that all California Native American human remains and cultural items are treated with due respect and dignity. The Act also provides the mechanism for disclosure and return of human remains and cultural items held by publicly-funded agencies and museums in California. Likewise, the Act outlines the mechanism with which California Native American tribes not recognized by the Federal government may file claims to human remains and cultural items held in agencies or museums.

#### **13.2.2.2 California Public Resources Code Section 5020**

This California Public Resources Code (PRC) created the California Historic Landmarks Committee in 1939 and authorizes the California Department of Parks and Recreation (CDPR) to designate Registered Historical Landmarks and Registered Points of Historical Interest.

#### **13.2.2.3 Public Resources Code Section 5097.5**

PRC, Section 5097.5, defines the unauthorized disturbance or removal of archaeological, historical or paleontological resources located on public land as a misdemeanor.

#### **13.2.2.4 California Public Resources Code Section 5097.9**

Procedures are detailed under PRC Section 5097.9 for actions taken whenever Native American remains are discovered. 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 United States 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. The Native American Heritage Commission (NAHC) enforces the provisions of this chapter.

#### **13.2.2.5 California Public Resources Code Section 7050.5**

Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the PRC. 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. If determination by the coroner determines that the remains are not subject to his or her authority, and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.

#### **13.2.2.6 California Public Resources Code Section 7051**

Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment or cremation, with intent to sell it or to dissect it, without authority of law or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment in a State prison.

#### **13.2.2.7 California Code of Regulations 4308**

Under this State preservation law, no person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.

#### **13.2.2.8 CEQA and the California Register of Historical Resources**

Historical resources are recognized as part of the environment under CEQA. The California Register of Historical Resources (California Register) is an authoritative guide to the State's historical resources and to which properties are considered significant for purposes of CEQA. The California Register includes resources listed in or formally determined eligible for listing in the NRHP, and some California State Landmarks and Points of Historical Interest. Properties of

local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC § 5024.1, 14 CCR § 4850).

An archaeological site may be considered a historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California (PRC § 5020.1(j)), or if it meets the criteria for listing on the California Register (14 CCR § 4850). CEQA guidelines direct lead agencies to first evaluate an archeological site to determine if it meets the criteria for listing in the California Register. If an archeological site is a historical resource (i.e., listed or eligible for listing in the California Register), potential adverse impacts to it must be considered, just as for any other historical resource (PRC § 21084.1 and 21083.2(l)). If an archeological site is not a historical resource, but meets the definition of a “unique archeological resource” as defined in PRC § 21083.2, then it should be treated in accordance with the provisions of that section.

Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired (PRC § 5020.1(q)). While demolition and destruction are fairly obvious significant impacts, it is more difficult to assess when change, alteration, or relocation crosses the threshold of substantial adverse change. The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of a historical resource that convey its historical significance (i.e., its character-defining features), can be considered to materially impair the resource’s significance.

### **13.2.2.9 Native American Remains**

Section 15064.5 of CEQA also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed under PRC Section 5097.98.

### **13.2.2.10 Health and Safety Code**

Section 7052 of the Health and Safety Code establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

### **13.2.2.11 Penal Code**

Penal Code, Section 622.5, provides misdemeanor penalties for injuring or destroying objects of historical or archaeological interest located on public or private land, but specifically excludes the landowner.

## **13.2.3 Local**

The cities of Carlsbad, Chula Vista, El Cajon, Escondido, La Mesa, Lemon Grove, Poway, San Diego and San Marcos each have historical societies that are concerned with the locally

historical resources of their cities. Each locality may have ordinances or guidelines related to cultural resources. These generally require that if a project has the potential to affect a historical resource, the significance and/or uniqueness of that resource must be determined. Certain jurisdictions within the County as well as the County itself are “Certified Local Governments” and have local registers of cultural and historical resources that are administered through boards or commissions. Resources listed by these boards, such as the City of San Diego’s Historical Resources Board and the County’s Historic Site Board, have already been determined to be historically significant.

## **13.3 IMPACTS AND MITIGATION**

### **13.3.1 Standards of Significance**

#### **13.3.1.1 Archaeological Resources**

A project could have a significant effect on the environment if it would cause a substantial adverse change in the significance of an archaeological resource or disturb any human remains. Pursuant to Section 15064.5 of the CEQA Guidelines, archaeological resources, not otherwise determined to be historical resources, may be significant if they are unique. Pursuant to PRC Section 21083.2, a unique archaeological resource is defined as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

- Contains information needed to answer important scientific questions and there is a demonstrable public interest in that information;
- Has a special and particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

According to Section 15064.5 of the CEQA *Guidelines*, all human remains are significant.

A non-unique archaeological resource means an archaeological artifact, object, or site that does not meet the above criteria. Non-unique archaeological resources do not receive further consideration under CEQA.

#### **13.3.1.2 Historic Resources**

Section 15065 of the CEQA Guidelines mandates a finding of significance if a project would eliminate important examples of major periods of California history or pre-history.

In addition, pursuant to Section 15064.5 of the CEQA Guidelines, a project could have a significant effect on the environment if it “may cause a substantial adverse change in the significance of an historical resource.” A “substantial adverse change” means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings

such that the significance of an historical resource is impaired.” Material impairment means altering “in an adverse manner those characteristics of an historical resource that convey its historical significance and its eligibility for inclusion in the California Register of Historical Resources (CRHR).”

Pursuant to Section 15064.5 of the CEQA Guidelines, an historical resource (including both built environment and prehistoric archaeological resources) is presumed significant if it is listed on the CRHR or has been determined to be eligible for listing by the State Historical Resources Commission. A historical resource may also be considered significant if the lead agency determines, based on substantial evidence, that the resource meets the criteria for inclusion in the CRHR. Any resource that is listed on, or considered eligible for inclusion on, the National Register of Historic Places is automatically considered eligible for the CRHR.

### 13.3.2 Impacts and Mitigation Measures

This section identifies the potentially significant adverse program-level impacts and required mitigation measures for the Proposed Project. **Table 13-1** presented at the end of this section identifies the potential program-level impacts of each of the Proposed Project facilities. This program-level analysis is not intended to describe or address the impacts in detail; detailed evaluations of the impacts of specific projects will be conducted as part of a site-specific CEQA review.

Unless otherwise noted, all identified impacts are considered to be potentially significant adverse impacts. Corresponding mitigation measures, unless otherwise noted, are expected to be sufficient to reduce impacts to a less than significant level.

**Cultural Resources Impact 1:** *Construction of the Proposed Project facilities could affect cultural resources.*

Ground disturbance associated with the construction of new facilities could disturb or destroy important cultural resources.

Potential impacts to cultural resources would be mitigated to less than significant by implementing the following mitigation measures.

#### **Cultural Resources Mitigation Measure 1:**

- a) On-site cultural resource surveys shall be conducted by a qualified archaeologist prior to construction of a new facility. The purpose of this survey will be to more precisely locate and map significant cultural resources.
- b) Any resources discovered by the qualified archaeologist as a result of the survey shall be evaluated as to their cultural and historical significance and appropriate mitigation measures identified.

- c) The qualified archaeologist shall recommend archaeological field monitoring when excavation occurs in areas where subsurface resources are considered to possibly exist. The monitoring may include participation by a Native American monitor.
- d) In the event that unanticipated cultural resources are encountered during Proposed Project construction, all earthmoving activity shall cease until the qualified archaeologist examines the findings, assesses their significance, and offers recommendations for procedures deemed appropriate to either further investigate or mitigate adverse impacts to those cultural resources that have been encountered (e.g., excavate the significant resource). These additional measures shall be implemented.
- e) If human bone or bones of unknown origin is found during Proposed Project construction, all work shall stop in the vicinity of the find and the County Coroner and the Water Authority shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person it believes to be the most likely descendant. The most likely descendant shall work with the Water Authority to develop a program for reinternment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed. Any collections of artifacts resulting from the surveys and monitoring, as well as the associated records, shall be curated at an appropriate institution in San Diego County that meets the standards of the State of California Guidelines for the Curation of Archaeological Collections.

### **13.4 EFFECTS FOUND NOT TO BE SIGNIFICANT**

*Operation of the Proposed Project facilities could result in adverse effects to cultural resources.*

Ground disturbing activities would be limited primarily to construction activities associated with the Proposed Project. Based on similar facilities, further impact to cultural resources during operation of facilities is unlikely or insignificant. Operational impacts to cultural resources would be less than significant.

<b>Table 13-1 Potential Program-Level Cultural Resources Impacts of Proposed Project Facilities</b>		
<b>#</b>	<b>Project</b>	<b>Impact 1<sup>a</sup></b>
<b>Expand Internal System Capacity</b>		
<i>Flow Regulatory Storage</i>		
1	Hubbard Hill FRS	X
2	Slaughterhouse Terminal Reservoir	X
3	North County Distribution Pipeline FRS	
4	Mission Trails FRS II	X
	➤ Mission Trails Tunnel Pipeline and Vent Demolition	X
<i>Projects to Increase Regional Untreated Water Conveyance Capacity</i>		
5	Restore Untreated Water Delivery in La Mesa-Sweetwater Extension	
6	Second Crossover Pipeline	X
7	San Diego 24/25/26 FCF	X
8	San Diego 12 FCF Expansion	X
9	Lower Otay Pump Station	X
10	Convert Pipeline 3 to Untreated Water from Crossover to Miramar	
<b>Additional Water Treatment Capacity</b>		
<i>Projects to Supplement Treated-Water Aqueducts</i>		
11	Padre Dam Pump Station Expansion	X
12	Pipeline from Otay FCF 14 to Regulatory Reservoir	X
13	Poway Pump Station and Treated Water Connection	X
14	Escondido-Vista WTP Connection	
	a) Escondido-Vista Pipeline Conversion	
	b) Escondido-Vista Pump Station	X
	c) Escondido-Dixon Pipeline	X
<i>Projects to Expand Regional Water Treatment Capacity</i>		
Options for Expanding Regional Treatment Capacity		
15a	Olivenhain WTP – 50 mgd Expansion	X
15b	Weese WTP – 50 mgd Expansion	X
15c	Red Mountain WTP – new 50 mgd plant	X
15d	Diversion Structure WTP – new 100 mgd plant	X
<b>Additional Seasonal/Carryover Storage</b>		
16	Additional San Vicente Dam Raise Beyond ESP	X
<b>New Conveyance and Supply</b>		
17	Phase I – Seawater Desalination: Project at Encina (50 mgd)	
	➤ Desalination Plant	
	➤ Desalinated Water Conveyance Facilities	X
18	Expand Existing or Site New Seawater Desalination Plant*	
	Phase II – Seawater Desalination: Expand Capacity up to 100 mgd	
	Phase III – Seawater Desalination: Expand Capacity up to 150 mgd	
Seawater Desalination Site Options for Phases II and III:		
	a) San Onofre – at San Onofre Nuclear Generating Station	X
	b) Carlsbad – at Encina Power Station	X
	c) South Bay – at South Bay Power Plant	X
	d) Encina Water Pollution Control Facility	X
	e) South Bay Ocean Outfall Site	X

**Table 13-1 (continued)**  
**Potential Program-Level Cultural Resources**  
**Impacts of Proposed Project Facilities**

- \* The ultimate level of seawater desalination development in the region would depend largely upon actual regional population growth, economics, availability of other high quality water sources, as well as an evaluation of the performance of the Encina seawater desalination facility, should it be approved and constructed.
- <sup>a</sup> Construction of the Proposed Project facilities could affect cultural resources.