

ATTACHMENT D

MITIGATED NEGATIVE DECLARATION

APPENDIX D

CULTURAL RESOURCES REPORT



February 25, 2022 (Rev. April 21, 2023)

Sophia Hahl Mitchell
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PO Box 1700
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Re: Cultural Resources Study for the Cox Road and Mulberry Drive Project, San Marcos, San Diego County, California

Dear Ms. Mitchell,

This report presents the results of a cultural resources study conducted by ASM Affiliates, Inc. (ASM) for the proposed Cox Road and Mulberry Drive Project (Project). The purpose of the archaeological investigation was to determine the presence or absence of cultural resources within the Project's area of potential effects (APE), as described below. This study was completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and the cultural resource management requirements of the City of San Marcos (City).

PROJECT DESCRIPTION AND LOCATION

The Cox Road and Mulberry Drive Project is located on the southwest corner of the intersection of Cox Road and Mulberry Drive in the City of San Marcos, San Diego County, California (Figure 1 and 2). The Assessor's Parcel Number (APN) for the Project site is 182-131-14. The applicant is requesting approval of a Site Development Plan (SDP) for the entire 10-acre parcel for the purpose of constructing single family dwellings.

CULTURAL BACKGROUND

Prehistoric Archaeology

Archaeological investigations in coastal southern California have documented a diverse range of human adaptations extending from the late Pleistocene up to the time of European contact (e.g., Erlandson and Colten 1991; Erlandson and Glassow 1997; Erlandson and Jones 2002; Jones and Klar 2007; Moratto 1984). To describe and discuss this diversity, local investigators have proposed a variety of different chronologies and conceptual categories (periods, horizons, stages, phases, traditions, cultures, peoples, industries, complexes, and patterns), often with confusingly overlapping or vague terminology.

The prehistory of San Diego County is most frequently divided chronologically into three or four major periods. An Early Man stage, perhaps dating back tens of thousands of years, has been proposed. More generally accepted divisions include a Terminal Pleistocene/Early Holocene period (ca. 12,000-6000 B.C.) (Paleo-Indian stage; Clovis and San Dieguito patterns), a Middle/Late Holocene period (ca. 6000 B.C.-A.D. 800) (Archaic stage; La Jolla, Millingstone, or Encinitas pattern), and a Late Prehistoric period (ca. A.D. 800-1769) (Archaic stage; San Luis Rey pattern, Palomar tradition).

Hypothetical Early Man (pre-ca. 12,000 B.C.)

The antiquity of human occupation in the New World has been the subject of considerable interest and debate for more than a century. At present, the most widely accepted model is that humans first entered portions of the western hemisphere lying to the south of Alaska between about 13,000 and 12,000 B.C., either along the Pacific coastline or through an ice-free corridor between the retreating Cordilleran and Laurentide segments of the continental glacier in Canada, or along both routes. While there is no generally accepted evidence of human occupation in coastal southern California prior to about 11,000 B.C., ages estimated at 48,000 years and even earlier sometimes have been reported (e.g., Bada et al. 1974; Carter 1980). However, intensive interest and a long history of research into the early occupation of North America has begun to reveal sites with widely accepted evidence dating prior to 13,000 B.C., such as Cooper's Ferry, ID (Davis et al. 2019) and White Sands, NM (Bustos et al. 2018).

Local claims for Early Man discoveries have generally been based either on the apparent crudeness of the lithic assemblages that were encountered or on the finds' apparent Pleistocene geological contexts (Carter 1957, 1980; Minshall 1976, 1989; Reeves et al. 1986). The amino acid racemization technique was used in the 1970s and early 1980s to assign Pleistocene ages to coastal southern California sites (Bada et al. 1974), but the technique's findings have been discredited by more recent accelerator mass spectrometry (AMS) radiocarbon dating (Taylor et al. 1985).

Terminal Pleistocene/Early Holocene Period (ca. 12,000-6000 B.C.)

The earliest chronologically distinctive archaeological pattern recognized in most of mainland California is the Clovis pattern. Dated to around 11,500 B.C., Clovis assemblages are distinguished by fluted projectile points and other large bifaces, as well as extinct large mammal remains. At least three isolated fluted points have been reported within San Diego County, but their occurrence is very sparse and their dating and contexts are uncertain (Davis and Shutler 1969; Kline and Kline 2007; Rondeau et al. 2007).

The most widely recognized archaeological pattern within this period is termed San Dieguito and has been dated from at least as early as 8500 B.C. to perhaps around 6000 B.C. (Rogers 1966; Warren 1966; Warren et al. 2008). The San Dieguito pattern was originally defined near the central coast of San Diego County, and its presence has been reported through extensive areas to the east, but few traces are recognized on or near the northern coast of San Diego County. Proposed characteristics to distinguish San Dieguito flaked lithic assemblages include large projectile points (Lake Mojave, Silver Lake, and other, less diagnostic forms), bifaces, crescents, scraper planes, scrapers, hammers, and choppers. The San Dieguito technology involved well-controlled percussion flaking and some pressure flaking.

Malcolm Rogers (1966) suggested that three successive phases of the San Dieguito pattern (San Dieguito I, II, and III) could be distinguished in southern California, based on evolving aspects of lithic technology. However, subsequent investigators have generally not been able to confirm such changes, and the phases are not now generally accepted.

A key issue has concerned ground stone, which was originally suggested as having been absent from San Dieguito components but has subsequently been recognized as occurring infrequently within them. It was initially suggested that San Dieguito components, like other Paleo-Indian manifestations, represented the products of highly mobile groups that were organized as small bands and focused on the hunting of large game. However, in the absence of supporting faunal evidence, this interpretation has increasingly been called into question, and it has been suggested that the San Dieguito pattern represented a more generalized, Archaic-stage lifeway, rather than a true Paleo-Indian adaptation.

A vigorous debate has continued for several decades concerning the relationship between the San Dieguito pattern and the La Jolla pattern that succeeded it and that may have also been contemporaneous with or even antecedent to it (e.g., Gallegos 1987; Warren et al. 2008). The initial view was that San Dieguito and La Jolla represented the products of distinct ethnic groups and/or cultural traditions (e.g., Rogers 1945; Warren 1967, 1968). However, as early Holocene radiocarbon dates have been obtained for site components with apparent La Jolla characteristics (shell middens, milling tools, and simple cobble-based flaked lithic technology), an alternative interpretation has gained some favor: that the San Dieguito pattern represented a functional pose related in particular to the production of bifaces, and that it represents activities by the same people who were responsible for the La Jolla pattern (e.g., Bull 1987; Hanna 1983).

Middle/Late Holocene Period (ca. 6000 B.C.-A.D. 800)

Archaeological evidence from this period in the coastal San Diego region has been characterized as belonging to the Archaic stage, Millingstone horizon, Encinitas tradition, or La Jolla pattern, while a Del Rey tradition has been distinguished immediately to the northwest (Moratto 1984; Rogers 1945; Sutton 2010; Wallace 1955; Warren 1968; Warren et al. 2008). Adaptations during this period apparently emphasized gathering, in particular the harvesting of shellfish and hard plant seeds, rather than hunting. Distinctive characteristics of the La Jolla pattern include extensive shell middens, portable ground stone metates and manos, crudely flaked cobble tools, occasional large expanding-stemmed projectile points (Pinto and Elko forms), and flexed human burials.

Investigators have called attention to the apparent stability and conservatism of the La Jolla pattern throughout this long period, as contrasted with less conservative patterns observed elsewhere in coastal southern California (Hale 2009; Sutton 2010; Sutton and Gardner 2010; Warren 1968). However, distinct chronological phases within the pattern have also been suggested, based on changes in the flaked lithic and ground stone technologies, the shellfish species targeted, and burial practices (Harding 1951; Moriarty 1966; Rogers 1945; Shumway et al. 1961; Sutton and Gardner 2010; Warren 1964; Warren et al. 2008).

Late Prehistoric Period (ca. A.D. 800-1769)

A Late Prehistoric period in San Diego County has been distinguished, primarily on the basis of three major innovations: the use of small projectile points (Desert Side-notched, Cottonwood triangular, and Dos Cabezas forms), associated with the adoption of the bow and arrow in place of the atlatl as a primary hunting tool and weapon; brownware pottery, presumably supplementing the continued use of basketry and other containers; and the practice of human cremation in place of inhumation. Uncertainty remains concerning the exact timing of these innovations, and whether they appeared simultaneously or sequentially (e.g., Griset 1996; Yohe 1992).

Labels applied to the archaeological manifestations of this period include San Luis Rey and Palomar (Meighan 1954; Robbins-Wade 1988; Sutton 2011, 2015; True 1970; True et al. 1974, 1991; Waugh 1986). These remains have generally been associated with the ethnohistorically known Luiseño and have been seen as perhaps marking the initial local appearance of that group in a migration from the north. Traits characterizing the Late Prehistoric period include greater reliance on acorns as an abundant but labor-expensive food resource, a greater emphasis on hunting of both large and small game (particularly deer and rabbits), a greater amount of interregional exchange (seen notably in more use of obsidian), more elaboration of nonutilitarian culture (manifested in more frequent use of shell beads, decorated pottery and rock art), and possibly denser regional populations. Settlement may have become more sedentary

during this period, as compared with the preceding period. It has been debated whether there was any decrease in the exploitation of littoral resources (Byrd 1998; Rosenthal et al. 2001).

Ethnographic Evidence

In ethnohistoric times, northwestern San Diego County was occupied by speakers of Luiseño. The northwestern segment of this group has also been known as the Juaneño. Luiseño territory extended from Agua Hedionda Lagoon, Escondido, and Lake Henshaw northward into southern Orange and Riverside counties. To the east it was bounded by territories of the closely related Cupeño and Cahuilla, while to the south lay the territory of the unrelated Kumeyaay (Diegueño, Ipai) (Heizer 1978; Kroeber 1925).

Linguistic evidence links Luiseño with the Uto-Aztecan family of languages (e.g., Golla 2007; Laylander 2010). A hierarchy of relationships within that family likely mirrors a sequence of separations reflecting territorial expansions or migrations, leading the linguistic ancestors of the Luiseño from a still-debated Uto-Aztecan homeland to a northern Uto-Aztecan base somewhere in western North America and ultimately south to the ethnohistoric home of the Luiseño. Splits within the ancestral family included the differentiation of Takic (also termed Southern California Shoshonean) (ca. 1000 B.C.?) and the separation of Luiseño from Cahuilla-Cupeño (ca. A.D. 1?).

While Luiseño cultural patterns, as recorded subsequent to European contact, cannot necessarily be equated with Late Prehistoric patterns, at a minimum they provide indispensable clues to cultural elements that would be difficult or impossible to extract unaided from the archaeological record alone. A few important ethnohistoric accounts are available from Franciscan missionaries and others (Geiger and Meighan 1976; Harrington 1933, 1934; Henshaw 1972; Laylander 2000). Many accounts by ethnographers, primarily recorded during the early twentieth century, are available (Bean and Shippek 1978; Drucker 1937; Gifford 1918; Hicks 1963; Kroeber 1925; Laylander 2004; Sparkman 1908; Strong 1929; White 1953, 1957, 1963).

The Luiseño inhabited a diverse environment that included littoral, valley, foothill, and mountain resource zones. Because of the early incorporation of coastal Luiseño into the mission system, most of the available twentieth-century ethnographic information relates to inland groups that lived in the Peninsular Range. Acorns were a key resource, but a wide range of other mineral, plant, and animal resources were exploited, including coastal fish and shellfish. Some degree of residential mobility seems to have been practiced; the classic fission/fusion pattern involved annual seasonal shifts between consolidated winter and spring settlements in the upper San Luis Rey River valley and smaller, dispersed groups living on Palomar Mountain in the summer and fall (Oxendine 1983). The fundamental Luiseño social units above the family were patrilineal, patrilocal clans, the latter ideally coinciding with the winter-spring village communities. Hereditary leaders performed ceremonial, advisory, and diplomatic functions, rather than judicial, redistributive, or military ones. There seems to have been no national level of political unity and perhaps little sense of commonality within the language group.

Luiseño material culture was effective, but it was not highly elaborated. Structures included houses with excavated floors, ramadas, sweathouses, ceremonial enclosures, and acorn granaries. Hunting equipment included bows and arrows, curved throwing sticks, nets, and snares, as well as nets and hooks of bone and shell for fishing. Processing and storage equipment included a variety of flaked stone tools, milling implements, ceramic vessels, and baskets.

Nonutilitarian culture was not neglected. A range of community ceremonies were performed, with particular emphases placed on making individuals' coming of age and on death and mourning. Oral

literature included, in particular, an elaborate creation myth that was shared with other Takiic groups as well as with Yuman speakers (Kroeber 1925; Laylander 2001; Waterman 1909).

History

European exploration of the San Diego area began in 1542 with the arrival of a maritime expedition under Juan Rodriguez Cabrillo, followed by a similar reconnaissance in 1602 by Sebastián Vizcaíno (Pourade 1960). It is possible that additional brief, unrecorded contacts with the crews of the Manila galleons may have occurred during the following century and a half, and that other influences, such as an awareness of alien technologies or the introduction of diseases, may have reached the region overland from earlier outposts of the Spanish empire in Baja California or Sonora.

The historic period proper did not begin until 1769, when multiple seaborne and overland expeditions under the leadership of the soldier Gaspar de Portolá and the Franciscan missionary Junípero Serra reached the region from Baja California and passed northward along the coastal plain to seek Monterey. To the south, a royal presidio and a mission were established that year in San Diego. Additional missions were founded among the Luiseño/Juaneño at San Juan Capistrano in 1776 and San Luis Rey de Francia in 1798.

As Spanish attention was consumed by the Napoleonic wars in Europe, California and its government and missions were increasingly left to their own devices. In 1821, Mexico consummated its independence from Spain, and the region became more open to outside visitors and influences (Pourade 1961). The loyalty to Mexico of the European Franciscans was considered to be in doubt, and private secular interests clamored for a greater share of the region's resources. The missions were secularized by act of the Mexican Congress in 1833. Native Americans released from the missions at San Diego, San Luis Rey, and San Juan Capistrano returned to their native villages, moved east to areas lying beyond Mexican control, or sought work on ranchos or in the towns of San Diego and Los Angeles. Numerous large land grants were issued to private owners during the Mexican period, including Agua Hedionda, Los Vallecitos de San Marcos, Buena Vista, and Santa Margarita y Las Flores in northern coastal San Diego County (Pourade 1963).

The conquest and annexation of California by the United States in the Mexican-American War between 1846 and 1848 ushered in many more changes (Pourade 1963, 1964, 1965, 1967, 1977; Pryde 2004). Faced with debts and difficulties in confirming land grants, many Californio families lost their lands to outsiders. Cultural patterns that were brought by immigrants from the eastern U.S. gradually supplanted old Californio customs.

The region experienced cycles of economic and demographic booms and busts, with notable periods of growth in the mid-1880s, during World Wars I and II, and on a more sustained basis throughout the postwar decades. Aspects of development included the creation of transportation networks based on port facilities, railroads, highways, and airports; more elaborate systems of water supply and flood control; grazing livestock and growing a changing array of crops; supporting military facilities, including the extensive Camp Pendleton facility established in 1942; limited amounts of manufacturing; and accommodating visitors and retirees. After false starts, San Diego converted itself to a substantial city, and then into a metropolis. Other cities were incorporated in the north coastal region, including Oceanside (1888), Carlsbad (1952), San Marcos (1963), and Vista (1963) (Pryde 2004).

METHODS

A records search request from the South Coastal Information Center (SCIC), San Diego State University, which is part of the California Historical Resources Information System (CHRIS), was submitted on February 2, 2022. The records search area encompasses the Project area and a search radius of one mile around it. The California Register of Historic Resources (CRHR) and the National Register of Historic Places (NRHP) were also requested to be examined to identify any previously recorded cultural resources within one mile of the Project area.

On February 7, 2022, the California Native American Heritage Commission (NAHC) was contacted via email requesting a search of the Sacred Lands File (SLF) to identify any known areas of cultural concern, such as traditional cultural places, sacred sites, archaeological sites, or cultural landscapes that may exist within or within one mile of the proposed Project, and a list of Native American contacts that may have additional information about the Project area or vicinity.

RECORDS SEARCH RESULTS

The results of the SCIC records search request were received on February 11, 2022 and are summarized below (Table 1). CHRIS records identified 30 previous reports that addressed areas within a one-mile radius of the Project area. Three of these reports address areas that intersect or overlap the Project area (Table 2). CHRIS records indicate the presence of 21 previously recorded cultural resources outside of, but within a one-mile radius of the Project APE. No cultural resources were previously recorded within the proposed Project APE. No historic addresses were identified as occurring within the Project APE or the one-mile records search radius (Table 3). A document verifying the SCIC records search is included in Appendix A of this report.

ASM received a response from the NAHC for a search of the SLF on February 25, 2022. The result of the SLF check was positive, and the NAHC requested that the Pechanga Band of Luiseno Indians be contacted for more information. The NAHC also provided a list of Native American contacts that may have knowledge of cultural resources in the Project area. ASM sent Project notification letters to the Native American contacts on the NAHC list on February 24, 2022. The results of the NAHC SLF search and the list of Native American contacts provided by the NAHC are included in Appendix B of this report. An example of the Project notification letter that was sent to each of the Native American contacts on the list provided by the NAHC is included in Appendix C of this report. On March 14, 2022, Pechanga Band of Luiseno Indians responded with interest in participating in the project. They requested notification when the project begins, copies of applicable documents, consultation with the City, and archaeological and Tribal monitoring. The Rincon Band of Luiseño Indians responded on March 24, 2022, that the Project may impact tangible Tribal Cultural Resources (TCRs), Traditional Cultural Landscapes (TCLs), and potential Traditional Cultural Properties (TCPs) and recommends conducting an archaeological/cultural resources study with a professional Tribal monitor. Tribal response letters can be found in Appendix D.

Table 1. Summary of Records Search Results

SCIC Record Type	Within 1-mile of APE	Intersects with APE
Previous Reports	30	3
Historic Addresses	0	0
Cultural Resources	21	0

Table 2. Summary of Previous Reports Within a One-Mile Radius of the Project APE

SCIC File No.	NADB No.	Author(s)	Year	Title	Affiliation	Proximity to APE
SD-00128	1120128	Archaeological Associates, Ltd.	1988	<i>Archaeological Survey Report: The Twin Oaks Valley Ranch Project, City of San Marcos, CA.</i>	Archaeological Associates, Ltd.	Outside
SD-00225	1120225	Richard Carrico	1976	<i>Archaeological Sensitivity and Potentiality Survey for Richland Neighborhood Study San Marcos, California.</i>	WESTEC Services, Inc.	Outside
SD-00760	1120760	Scott Crull	1990	<i>The Cultural Resource Study of Ghost Rider II: A Section of Twin Oaks Valley, San Marcos, San Diego County, California</i>	Palomar College	Outside
SD-01354	1121354	San Diego County Archaeological Society	1975	<i>Archaeological Sensitivity Study of the Twin Oaks Valley, San Diego County, California.</i>	San Diego County Archaeological Society	Intersecting
SD-02043	1122043	Michael Brandman Associates, Inc.	1989	<i>Draft Environmental Impact Report San Marco Flood Control Channel San Marcos Creek/Las Posas Reach SCH #88061505</i>	Michael Brandman Associates, Inc.	Outside
SD-02398	1122398	TMI Environmental Services	1989	<i>Cultural Resources Assessment For 29.1 Acres in San Marcos, CA</i>	TMI Environmental Services	Outside
SD-02400	1122400	TMI Environmental Services	1989	<i>Cultural Resource Assessment For 80+ Acres in San Marcos, CA</i>	TMI Environmental Services	Outside
SD-02838	1122838	Russell Collett and Dayle Cheever	1989	<i>Cultural Resources Survey of the Rose Ranch Property, San Marcos, Calif.</i>	RECON	Outside
SD-02987	1122987	Andrew Pignolo	1995	<i>Draft, Cultural Resource Survey of The Eucalyptus Woods Cross-Tie Project, Escondido, California</i>	KEA Environmental, Inc.	Outside

SCIC File No.	NADB No.	Author(s)	Year	Title	Affiliation	Proximity to APE
SD-04109	1124109	Adella Schroth	1991	<i>Archaeological Investigations at a Five Hundred Year Old Settlement, Twin Oaks Valley Ranch, San Marcos, California</i>	ERC Environmental and Energy Services	Outside
SD-04113	1124113	Recon	1978	<i>Draft Environmental Impact Report for Palos Vista</i>	Recon	Outside
SD-04494	1124494	Trevor Freeman	1988	<i>Archaeological Survey Report: The Twin Oaks Valley Ranch Project, City of San Marcos, CA</i>	Trevor Freeman	Outside
SD-04498	1124498	David Vanhorn	1989	<i>Test Excavations at Twin Oaks Valley Ranch</i>	David Vanhorn	Outside
SD-04749	1124749	Dennis Gallegos	1991	<i>Archaeological Investigations at a Five Hundred Year Old Settlement, Twin Oaks Valley Ranch, San Marcos, California</i>	ERC Environmental and Energy Services	Outside
SD-04762	1124762	ERC Environmental and Energy Services	1989	<i>Treatment Plan for Twin Oaks Valley Ranch Prehistoric Sites Twin Oaks Valley Ranch Prehistoric Sites Ca-Sdi-11068a (W-3962) & Ca-Sdi-11068b (W-3963) City of San Marcos, California</i>	ERC Environmental and Energy Services	Outside
SD-05797	1125797	San Diego County Archaeological Society	1975	<i>Archaeological Sensitivity Study of the Twin Oaks Valley, San Diego County CA</i>	San Diego County Archaeological Society	Intersecting
SD-08588	1128588	City of Escondido	1980	<i>Draft Environmental Impact Report for Expansion of Wastewater Treatment Facility</i>	City of Escondido	Outside
SD-08931	1128931	Gail Wright	2004	<i>Cultural Resources Survey Report for TM 5337, Log No. 03-08-054-Rogers Estates APN 182-310-44 Negative Findings</i>	Gail Wright	Outside

SCIC File No.	NADB No.	Author(s)	Year	Title	Affiliation	Proximity to APE
SD-10432	1130432	Susan Hector	2006	<i>Cultural Resources Sensitivity Analysis for The Carryover Storage and San Vicente Dam Raise Project (CSP) Alternatives Analysis</i>	ASM Affiliates, Inc.	Outside
SD-11433	1131433	Wayne Bonner and James Keasling	2007	<i>Cultural Resource Records Search and Site Visit Results for T-Mobile Telecommunications Facility Candidate Sd06589a (Twin Oaks Golf Course), 1441 North Twin Oaks Valley Road, San Marcos, San Diego County, California</i>	Michael Brandman Associates	Outside
SD-11712	1131712	Diane Shalom	2008	<i>Cultural Resources Survey Report for: Orchard Hills TM5533, Log No. 07-08-001 - Negative Findings</i>	County of San Diego, Department of Planning and Land Use	Outside
SD-12608	1132608	Wayne Bonner and James Keasling	2009	<i>Cultural Resource Records Search Results for Verizon Wireless Candidate 'Twin Oaks', 1502 Maloney Street, San Marcos, San Diego County, California</i>	Michael Brandman Associates	Outside
SD-12655	1132655	Mary Robbins-Wade, Andrew Giletti, and Stephen Van Wormer	2009	<i>Historic and Archaeological Resources Survey, Vista Flume Study, Vista, San Marcos, and Escondido, San Diego County, California</i>	Affinis	Outside
SD-13203	1133203	Martin Rosen	2011	<i>Historic Property Survey Report for County Department of Public Works Bridge Preventative Maintenance Project #1</i>	ICF International	Outside

SCIC File No.	NADB No.	Author(s)	Year	Title	Affiliation	Proximity to APE
SD-13529	1133529	Shelby Gunderman and Sinead Ni Ghablhain	2010	<i>Cultural and Historical Resources Survey and Evaluation Report for the City of San Marcos Public Works Channel Maintenance Permit Project, San Diego County, California</i>	ASM Affiliates, Inc.	Outside
SD-13723	1133723	Seth Rosenberg	2009	<i>Ets #8147; Cultural Resources Survey for the Replacement of Four Wood Poles (P116494, P112248, P13581, and P135582) in Valley Center, San Diego County</i>	E2M	Outside
SD-13887	1133887	Don Perez	2012	<i>Proposed New Tower Project 1441 North Twin Oaks Valley Road, San Marcos, San Diego County, CA 92069 Twin Oak/ 182419</i>	EBI Consulting	Outside
SD-14140	1134140	Mary Robbins-Wade	2003	<i>Archaeological Records Search and Literature Review, Vallecitos Water District Master Plan Update San Diego County, California</i>	Affinis	Intersecting
SD-14360	1134360	Larry Stillwell	2012	<i>Twin Oaks 880261, 1425 N. Twin Oaks Valley Rd, San Marcos, San Diego County, California</i>	Archaeological Consultants of Ossian	Outside
SD-16250	1127729	Karolina Chmiel	2015	<i>Letter Report: Ets 29761 - Cultural Resources Survey for Removal from Service Pole P812236, San Marcos, San Diego County, California - IO 7074264</i>	ICF International	Outside

Table 3. Summary of Cultural Resources Within a One-Mile Radius of the Project APE

Primary No. P-37-	Trinomial No. CA-SDI-	Recorder and Updates	Description	Proximity to APE
004372	04372	T. Brock, Jane Lenker (1975)	AP02. Lithic scatter	Outside
004374	04374	Mike Baksh (1975)	AP03. Ceramic scatter AP04. Bedrock milling feature	Outside

Primary No. P-37-	Trinomial No. CA-SDI-	Recorder and Updates	Description	Proximity to APE
004375	04375	Mike Baksh (1975)	AP02. Lithic scatter AP03. Ceramic scatter AP16. Other – shell scatter	Outside
004376	04376	Mike Baksh (1975)	AP02. Lithic scatter AP03. Ceramic scatter AP04. Bedrock milling feature AP06. Pictographs AP16. Other - shell scatter	Outside
004377	04377	R. Carrico, R.V. May, M.J. Hatley (1975)	AP04. Bedrock milling feature	Outside
004378	04378	R. Carrico, R.V. May, M.J. Hatley (1975)	AP04. Bedrock milling feature	Outside
004379	04379	P. Welch (1975)	AP02. Lithic scatter	Outside
005354	05354	R.H. Norwood (1977)	AP2. Lithic scatter	Outside
005357	05357	R.H. Norwood (1977)	AP02. Lithic scatter AP03. Ceramic scatter AP04. Bedrock milling feature AP11. Hearths/pits AP16. Other – shell, bone, charcoal/ash	Outside
005362	05362H	R.H. Norwood (1977)	AH5. Wells/cisterns	Outside
005366	05366H	R.H. Norwood (1977) Del James, Steven Briggs, Scott Campbell (1991)	AH11. Walls/fences (stone) AH16. Other – Rock rings	Outside
011066	11066	Laurie White (1988)	AP04. Bedrock milling feature	Outside
011067	11067	Laurie White (1988)	AP04. Bedrock milling feature	Outside
011068	11068	Laurie White (1988)	AP02. Lithic scatter AP03. Ceramic scatter AP04. Bedrock milling feature	Outside
011618	11618	Scott Crull, Ken Smith, Jeff Holco (1990)	AH05. Wells/cisterns AH06. Water conveyance system AH08. Dams	Outside
011652	11652	Scott Crull, Ken Smith, Jeff Holco (1990)	AH16. Other - cement silo HP95. Concrete Construction	Outside
012533	12533	Del James, Steven Briggs, Scott Campbell (1991)	AP04. Bedrock milling feature	Outside
012534	12534	Del James, Steven Briggs, Scott Campbell (1991)	AP04. Bedrock milling feature	Outside
012535	12535H	Del James and Scott Campbell (1991)	AH11. Walls/fences (stone)	Outside
015102	Prehistoric Isolate	Del James, Steven Briggs, Scott Campbell (1991)	Hammer stone	Outside
030889	Historic Feature	2009 (Stephen Van Wormer) 2015 (Lucas Piek and Matthew DeCarlo)	HP11. Engineering structure HP20. Canal/aqueduct	Outside

Summary of Sites Occurring within One Mile of the Project APE

The cultural resources that occur within a one-mile radius of the Project APE consist predominantly of prehistoric resources. Many of these prehistoric sites contain bedrock milling components and many are

associated with lithic scatters. One site (SDI-5357) was recorded as containing habitation debris, indicating a more intensive prehistoric use of that location. In general, most of the previously recorded prehistoric sites within the records search radius were disturbed or destroyed by modern activities and were originally characterized by relatively sparse surficial, as well as sparse and relatively shallow subsurface deposits. Some historic structures, remnants of historic foundations and historic debris scatters also occur infrequently within a one-mile radius of the Project APE. Previously recorded historic sites within the records search radius include a portion of the remains of the historic Vista Irrigation District Bench Flumes feature (P-37-030889). Recorded in 2009 by Van Wormer of Affinis, the flumes are constructed as above ground gunite canals with a domed gunite cover and are connected by steel and concrete pipe siphons that conveyed potable water across the local canyons and valleys. The majority of the flumes are underground. The flumes were subsequently evaluated by ASM in 2015 and recommended eligible for listing on the NRHP under Criteria A and C, for their association with the area's development and their unique design and method of construction, respectively.

According to information provided by the San Marcos Historical Society, the Project location was part of the historic property associated with "Cox Houses" originally built by Jacob Uhland in 1888 on what would eventually become Cox Road. The Cox family bought the two houses in 1923, but one of the houses burned down shortly afterwards. The Cox family lived in the remaining house for 55 years and began to make capital improvements on it before selling the house to Dr. Richard and Carol Dickey. The house was sold on at least two other occasions, and then in 1994, the property was sold to Ferosa Ranch. The house was eventually donated to the San Marcos Historical Society and moved to Heritage Park in September of 2002. Historic aerial maps of the area and archival information indicate that the Cox houses were located approximately 100 meters west of the current Project area on a parcel (APN 182-131-15) that was subdivided and redeveloped in 2002, and presently contains several residences.

ARCHAEOLOGICAL SURVEY RESULTS

The Project APE was surveyed by ASM Associate Archaeologist Zaira Marquez and Donovan Pati, a Native American monitor from Saving Sacred Sites, on February 18, 2022. The project APE is relatively flat and slopes gently to the south. It is bounded to the north by Cox Road, to the west by residential development, to the south by residential development, and to the east by Mulberry Drive. All areas of exposed soil were intensively examined for cultural resources during the survey. Soils are reddish sandy silts with imported gravel and sand in some areas. No prehistoric or historic cultural material was identified within the Project APE.

The ground surface visibility was below 10 percent in most of the project area, as it was covered with dense vegetation approximately three feet in height, comprised mainly of common mallow (*Malva neglecta* sp.), wild mustard (*Brassica* spp.) and various invasive grasses (Figure 3 and 4). The perimeter and center of the property is comprised of a two-track road, which was extensively surveyed. The western portion of the property shows signs of previous agricultural activity, with deep furrows cut into the soil at least six inches in depth, and plastic irrigation pipes are distributed on the ground surface throughout the property. The northeast corner of the property contains two small piles of soil containing fragments of construction material such as asphalt, concrete, and cinder blocks, which appears to be recently deposited modern debris. In addition, due to the sloping nature of the property, it appears that water has flown southward along the two-track dirt road, eroding a minimal amount of soil. Finally, a soil ramp was built on the northeast corner of the property, to facilitate vehicle access. Both the push pile and the ramp contain imported white sand, as well as the local reddish sandy silt.

CONCLUSIONS AND RECOMMENDATIONS

No cultural resources were identified during the archaeological survey of the Project APE. Based on the results of the survey, there would be no significant impact to cultural resources associated with the implementation of the Cox Road and Mulberry Drive Project. Although the likelihood of subsurface cultural deposits is low, construction monitoring by a qualified archaeologist and a professional Native American monitor is recommended for ground disturbing activities during the Project construction phase. This recommendation is based on the poor ground surface visibility and the potential for surficial or buried cultural material within the proposed Project APE that may not have been identified during the archaeological survey. Once construction excavation has exposed soil to a sufficient depth that precludes the potential for cultural resources, typically >1 meter, or depths at which paleontological resources may be present, ASM recommends cessation of the recommended cultural monitoring. If you have any questions or comments regarding the information provided in this report, please do not hesitate to contact me.

Sincerely,



Stephen Harvey, M.A., RPA
Senior Archaeologist
ASM Affiliates, Inc.

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ATTACHMENTS

- Figure 1. Regional Project location map.
- Figure 2. Project APE and one-mile records search buffer on the 7.5' USGS San Marcos Quad map.
- Figure 3. Overview of Project APE, view to northeast.
- Figure 4. Overview of Project APE, view to south

APPENDICES

- Appendix A: SCIC Records Search Documentation
- Appendix B: NAHC SLF Search Results and List of Native American Contacts
- Appendix C: Example Native American Project Notification Letter

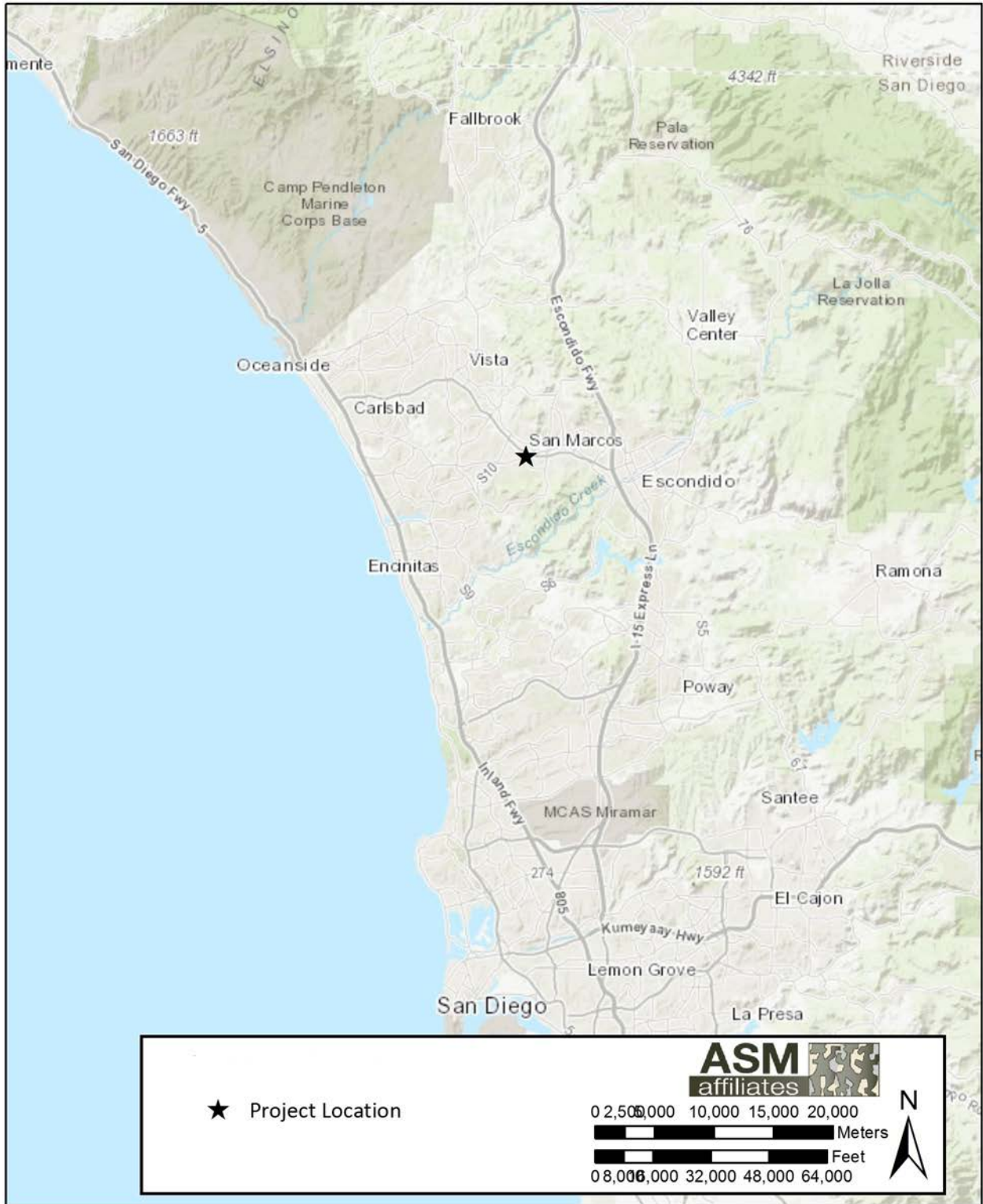


Figure 1. Regional Project location map.

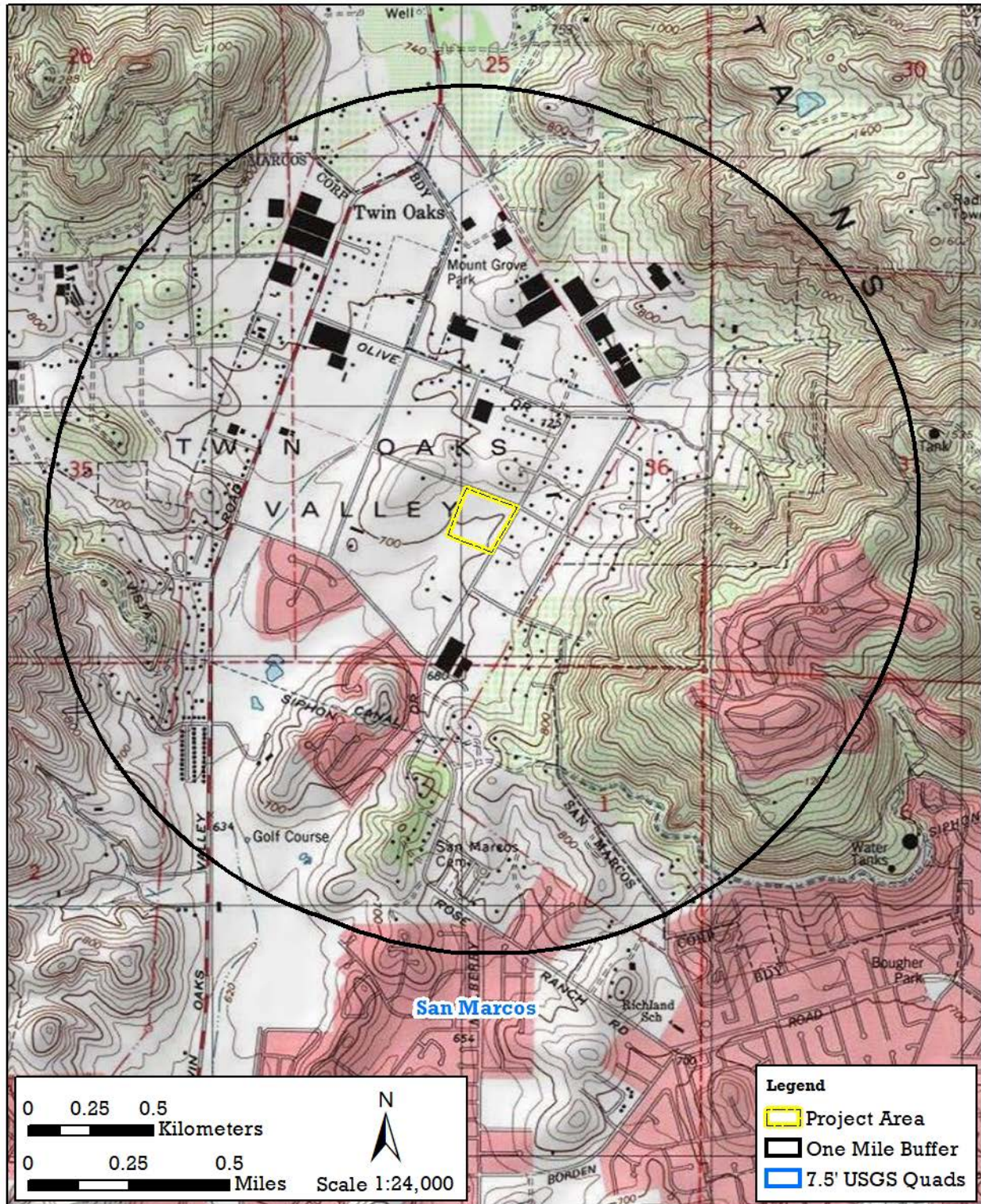


Figure 2. Project APE and one-mile records search buffer on the 7.5' USGS San Marcos Quad map.

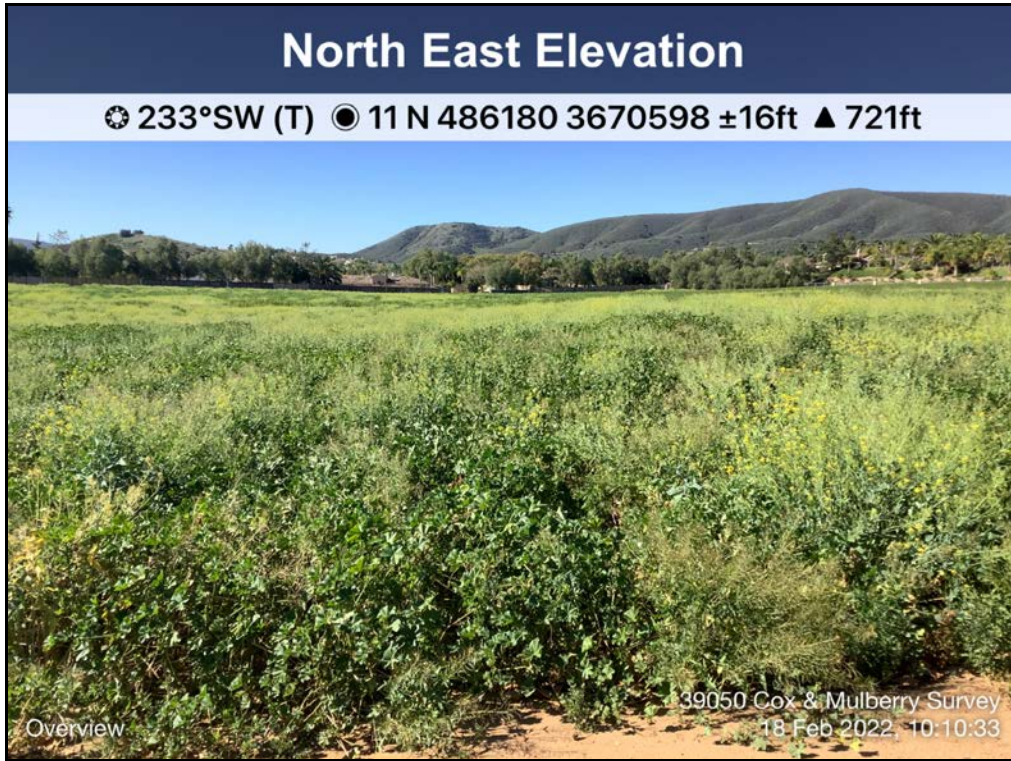


Figure 3. Overview of Project APE, view to northeast.



Figure 4. Overview of Project APE, view to south.

APPENDICES

APPENDIX A

SCIC Records Search Documentation



South Coastal Information Center
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-5320
Office: (619) 594-5682
www.scic.org
scic@mail.sdsu.edu

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM CLIENT IN-HOUSE RECORDS SEARCH

Company: ASM Affiliates

Company Representative: Nick Doose

Date: 2/11/2022

Project Identification: Cox Road and Mulberry Drive #39050

Search Radius: 1 mile

Historical Resources: SELF

Trinomial and Primary site maps have been reviewed. All sites within the project boundaries and the specified radius of the project area have been plotted. Copies of the site record forms have been included for all recorded sites.

Previous Survey Report Boundaries: SELF

Project boundary maps have been reviewed. National Archaeological Database (NADB) citations for reports within the project boundaries and within the specified radius of the project area have been included.

Historic Addresses: SELF

A map and database of historic properties (formerly Geofinder) has been included.

Historic Maps: SELF

The historic maps on file at the South Coastal Information Center have been reviewed, and copies have been included.

Copies: 0

Hours: 1

APPENDIX B

**Native American Heritage Commission SLF Search Results and
List of Native American Contacts**

NATIVE AMERICAN HERITAGE COMMISSION

February 24, 2022

Steve Harvey
ASM Affiliates, Inc.

Via Email to: sharvey@asmaffiliates.com

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Cox Road and Mulberry Drive Project, San Diego County

Dear Mr. Harvey:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
- Any report that may contain site forms, site significance, and suggested mitigation measures.
- All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.
3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was positive. Please contact the Pechanga Band of Luiseno Indians on the attached list for more information.
4. Any ethnographic studies conducted for any area including all or part of the APE; and
5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
San Diego County
2/25/2022**

Barona Group of the Capitan Grande

Edwin Romero, Chairperson
1095 Barona Road Diegueno
Lakeside, CA, 92040
Phone: (619) 443 - 6612
Fax: (619) 443-0681
cloyd@barona-nsn.gov

Jamul Indian Village

Lisa Cumper, Tribal Historic Preservation Officer
P.O. Box 612 Diegueno
Jamul, CA, 91935
Phone: (619) 669 - 4855
lcumper@jiv-nsn.gov

Campo Band of Diegueno Mission Indians

Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno
Campo, CA, 91906
Phone: (619) 478 - 9046
Fax: (619) 478-5818
rgoff@campo-nsn.gov

Jamul Indian Village

Erica Pinto, Chairperson
P.O. Box 612 Diegueno
Jamul, CA, 91935
Phone: (619) 669 - 4785
Fax: (619) 669-4817
epinto@jiv-nsn.gov

Ewiaapaayp Band of Kumeyaay Indians

Michael Garcia, Vice Chairperson
4054 Willows Road Diegueno
Alpine, CA, 91901
Phone: (619) 933 - 2200
Fax: (619) 445-9126
michaelg@leaningrock.net

Kwaaymii Laguna Band of Mission Indians

Carmen Lucas,
P.O. Box 775 Diegueno
Pine Valley, CA, 91962 Kwaaymii
Phone: (619) 709 - 4207

Ewiaapaayp Band of Kumeyaay Indians

Robert Pinto, Chairperson
4054 Willows Road Diegueno
Alpine, CA, 91901
Phone: (619) 368 - 4382
Fax: (619) 445-9126
ceo@ebki-nsn.gov

La Jolla Band of Luiseno Indians

Norma Contreras, Chairperson
22000 Highway 76 Luiseno
Pauma Valley, CA, 92061
Phone: (760) 742 - 3771

Iipay Nation of Santa Ysabel

Virgil Perez, Chairperson
P.O. Box 130 Diegueno
Santa Ysabel, CA, 92070
Phone: (760) 765 - 0845
Fax: (760) 765-0320

La Posta Band of Diegueno Mission Indians

Javaughn Miller, Tribal Administrator
8 Crestwood Road Diegueno
Boulevard, CA, 91905
Phone: (619) 478 - 2113
Fax: (619) 478-2125
jmiller@LPtribe.net

Inaja-Cosmit Band of Indians

Rebecca Osuna, Chairperson
2005 S. Escondido Blvd. Diegueno
Escondido, CA, 92025
Phone: (760) 737 - 7628
Fax: (760) 747-8568

La Posta Band of Diegueno Mission Indians

Gwendolyn Parada, Chairperson
8 Crestwood Road Diegueno
Boulevard, CA, 91905
Phone: (619) 478 - 2113
Fax: (619) 478-2125
LP13boots@aol.com

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Cox Road and Mulberry Drive Project, San Diego County.

**Native American Heritage Commission
Tribal Consultation List
San Diego County
2/25/2022**

**Manzanita Band of Kumeyaay
Nation**

Angela Elliott Santos, Chairperson
P.O. Box 1302 Diegueno
Boulevard, CA, 91905
Phone: (619) 766 - 4930
Fax: (619) 766-4957

Rincon Band of Luiseno Indians

Cheryl Madrigal, Tribal Historic
Preservation Officer
One Government Center Lane Luiseno
Valley Center, CA, 92082
Phone: (760) 297 - 2635
crd@rincon-nsn.gov

**Mesa Grande Band of Diegueno
Mission Indians**

Michael Linton, Chairperson
P.O Box 270 Diegueno
Santa Ysabel, CA, 92070
Phone: (760) 782 - 3818
Fax: (760) 782-9092
mesagrandeband@msn.com

Rincon Band of Luiseno Indians

Bo Mazzetti, Chairperson
One Government Center Lane Luiseno
Valley Center, CA, 92082
Phone: (760) 749 - 1051
Fax: (760) 749-5144
bomazzetti@aol.com

Pala Band of Mission Indians

Shasta Gaughen, Tribal Historic
Preservation Officer
PMB 50, 35008 Pala Temecula Cupeno
Rd. Luiseno
Pala, CA, 92059
Phone: (760) 891 - 3515
Fax: (760) 742-3189
sgaughen@palatribe.com

**San Luis Rey Band of Mission
Indians**

San Luis Rey, Tribal Council
1889 Sunset Drive Luiseno
Vista, CA, 92081
Phone: (760) 724 - 8505
Fax: (760) 724-2172
cjmojado@slrmissionindians.org

Pauma Band of Luiseno Indians

Temet Aguilar, Chairperson
P.O. Box 369 Luiseno
Pauma Valley, CA, 92061
Phone: (760) 742 - 1289
Fax: (760) 742-3422
bennaecalac@aol.com

**San Pasqual Band of Diegueno
Mission Indians**

Allen Lawson, Chairperson
P.O. Box 365 Diegueno
Valley Center, CA, 92082
Phone: (760) 749 - 3200
Fax: (760) 749-3876
allenl@sanpasqualtribe.org

**Pechanga Band of Luiseno
Indians**

Mark Macarro, Chairperson
P.O. Box 1477 Luiseno
Temecula, CA, 92593
Phone: (951) 770 - 6000
Fax: (951) 695-1778
epreston@pechanga-nsn.gov

**Soboba Band of Luiseno
Indians**

Isaiah Vivanco, Chairperson
P. O. Box 487 Cahuilla
San Jacinto, CA, 92581 Luiseno
Phone: (951) 654 - 5544
Fax: (951) 654-4198
ivivanco@soboba-nsn.gov

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Cox Road and Mulberry Drive Project, San Diego County.

**Native American Heritage Commission
Tribal Consultation List
San Diego County
2/25/2022**

***Soboba Band of Luiseno
Indians***

Joseph Ontiveros, Cultural
Resource Department
P.O. BOX 487
San Jacinto, CA, 92581
Phone: (951) 663 - 5279
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov

Cahuilla
Luiseno

***Sycuan Band of the Kumeyaay
Nation***

Cody Martinez, Chairperson
1 Kwaaypaay Court
El Cajon, CA, 92019
Phone: (619) 445 - 2613
Fax: (619) 445-1927
ssilva@sycuan-nsn.gov

Kumeyaay

***Viejas Band of Kumeyaay
Indians***

John Christman, Chairperson
1 Viejas Grade Road
Alpine, CA, 91901
Phone: (619) 445 - 3810
Fax: (619) 445-5337

Diegueno

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Cox Road and Mulberry Drive Project, San Diego County.

APPENDIX C

Example Native American Project Notification Letter



February 25, 2022

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
8 Crestwood Road
Boulevard, CA 91905

Re: Cultural Resources Study for the Cox Road and Mulberry Drive Project, San Marcos, San Diego County, California

Dear Ms. Parada,

ASM Affiliates is currently conducting a cultural resources study for the Cox Road and Mulberry Drive Project. The Project is located on the southwest corner of Cox Road and Mulberry Drive in the City of San Marcos (Figure 1). The applicant is proposing the construction of nine single family dwellings on the approximately 10-acre site, which was previously the site of a historic farmstead. The Assessor's Parcel Number for the Project is 182-131-14-00. This study is being undertaken in compliance with the California Environmental Quality Act (CEQA) and the cultural resource management requirements of the City of San Marcos.

ASM has completed a records search of the California Historic Resources Information System records at the South Coastal Information Center for the Project area. No cultural resources have been previously recorded within the proposed Project area. A records search of the Native American Heritage Commission's Sacred Lands File had negative results.

We are contacting you to find out if you are aware of any issues of cultural concern regarding the area shown on the enclosed map. In particular, we would like to know if you have knowledge of any Tribal Cultural Resources, Traditional Cultural Properties, Sacred Sites, resource collecting areas, or any other areas of concern of which you wish us to be aware. We understand the need for confidentiality in these matters.

If you have any questions or concerns regarding the proposed Project, AB-52 consultation is being conducted by the City of San Marcos. We appreciate any input you may have on the Project and understand that consultation is a private and ongoing process. Again, any information you provide will remain confidential.

Sincerely,

Stephen Harvey, M.A., RPA
sharvey@asmaffiliates.com
Senior Archaeologist

Figure 1. Project Location shown on the USGS San Marcos 7.5' Quad map.

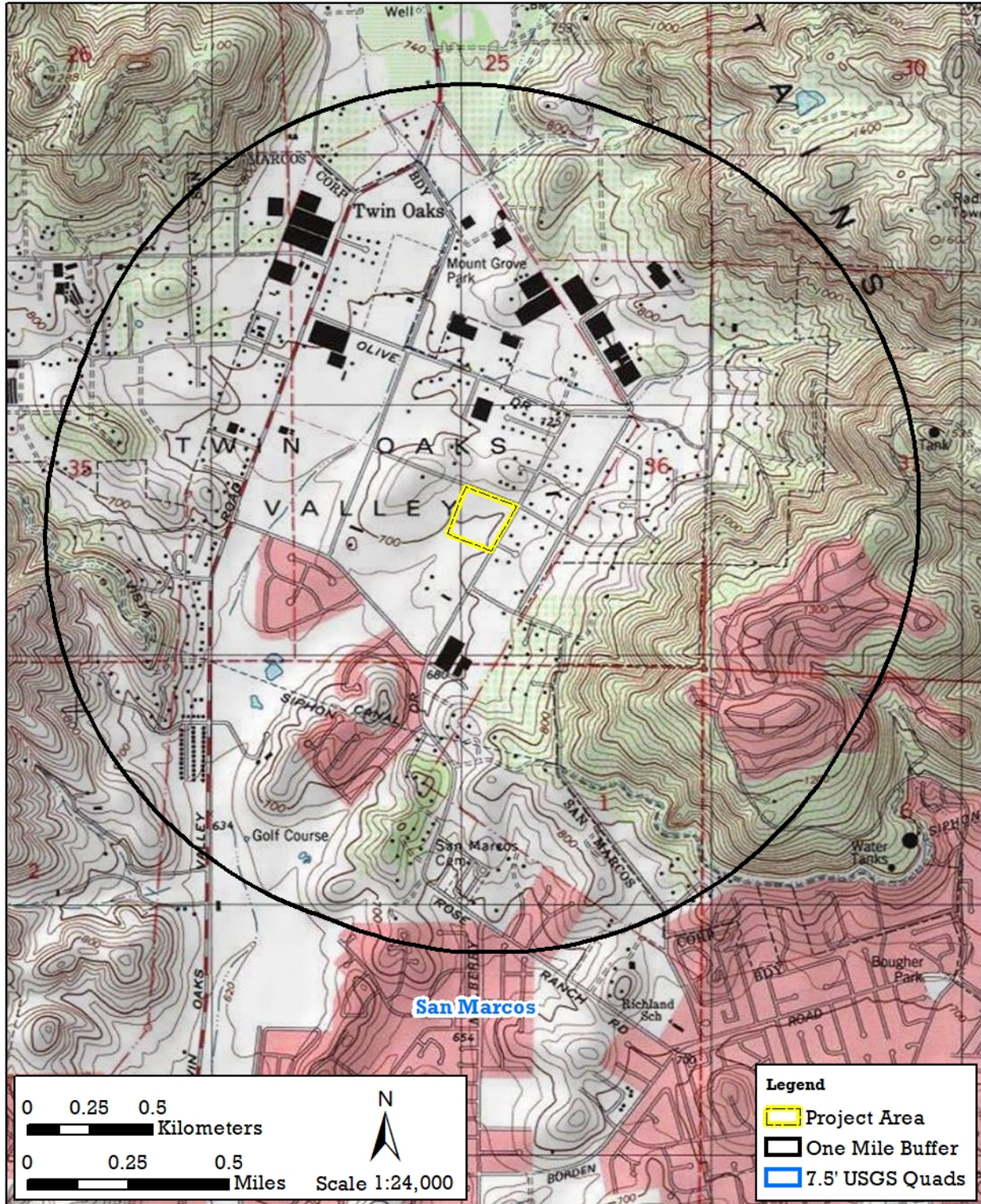


Figure 1. Project Location shown on the USGS San Marcos 7.5' Quad map.

APPENDIX D

Native American Responses



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 770-6300 • Fax (951) 506-9491

March 14, 2022

VIA E-Mail and USPS

Stephen Harvey, M.A., RPA
Senior Archaeologist
ASM Affiliates
2034 Corte Del Nogal
Carlsbad, CA 92011

RE: Request for Information for the Cox Road and Mulberry Drive Project, San Marcos, San Diego County, California.

Dear Mr. Harvey,

The Pechanga Band of Indians ("the Tribe") appreciates your request for information regarding the above referenced Project. After reviewing the provided maps and our internal documents, we have determined that the Project area is not within Reservation land's, although it is located in Our Ancestral Territory. At this time, we are interested in participating in this Project based upon our 'Ayéikwish/Traditional Knowledge of the area, its adjacency to our Traditional Cultural Property, its proximity to known Ancestral remains, to nearby Ancestral Placenames, and because of extensive previously recorded sites within this Project's immediate vicinity. Therefore, the Pechanga Tribe is interested in participating in this Project. The Tribe believes that the possibility of recovering sensitive subsurface resources during this Project's ground-disturbing activities is extremely high.

The Tribe is dedicated to providing comprehensive cultural information to you and your firm for inclusion in the archaeological study as well as to the Lead Agency for CEQA review. At this time, the Tribe requests the following so we may continue the consultation process and to provide adequate and appropriate recommendations for the Project:

- 1) Notification once the Project begins the entitlement process, if it has not already;
- 2) Copies of all applicable archaeological reports, site records, proposed grading plans and environmental documents (EA/IS/MND/EIR, etc);
- 3) Government-to-government consultation with the Lead Agency; and
- 4) The Tribe believes that monitoring by a San Diego County qualified archaeologist and a professional Pechanga Tribe Monitor may be required during earthmoving activities. Therefore, the Tribe reserves its right to make additional comments and recommendations once the environmental documents have been received and fully reviewed. Further, in the event that subsurface cultural resources are identified, the

Chairperson:
Neal Ibanez

Vice Chairperson:
Bridgett Barcello

Committee Members:
Darlene Miranda
Richard B. Scearce, III
Robert Villalobos
Shevon Torres
Juan Rodriguez

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Tuba Ebru Ozdil

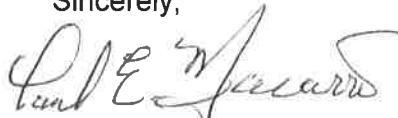
Planning Specialist:
Molly Escobar

Tribe requests consultation with the Project proponent and Lead Agency regarding the treatment and disposition of all artifacts.

As a Sovereign governmental entity, the Tribe is entitled to appropriate and adequate government-to-government consultation regarding the proposed Project. We would like you and your client to know that the Tribe does not consider initial inquiry letters from project consultants to constitute appropriate government-to-government consultation, but rather tools to obtain further information about the Project area. Therefore, the Tribe reserves its rights to participate in the formal environmental review process, including government-to-government consultation with the Lead Agency, and requests to be included in all correspondence regarding this Project.

Please note that we are interested in participating in surveys within the Luiseño Ancestral Territory. Prior to conducting any surveys, please contact the Cultural Department to schedule specifics. If you have any additional questions or comments, please contact me at pmacarro@pechanga-nsn.gov or at 951-770-6306. Thank You.

Sincerely,



Paul E. Macarro
Cultural Coordinator
Pechanga Reservation

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



March 24, 2022

Sent via email: sharvey@asmaffiliates.com

Mr. Stephen Harvey
ASM Affiliates
2034 Corte Del Nogal
Carlsbad, CA 92011

Re: Your Information Request for the Cox Road and Mulberry Drive Project, San Marcos, San Diego County, California

Dear Mr. Harvey,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Tribe”), a federally recognized Indian Tribe and sovereign government. We have received your notification regarding the above referenced project and we thank you for the opportunity to provide information pertaining to cultural resources. The identified location is within the Traditional Use Area of the Luiseño people, and is also within Rincon Band’s specific Area of Historic Interest (AHI).

After review of the provided documents and our internal information, the Band has specific concerns that the project may impact tangible Tribal Cultural Resources (TCRs), Traditional Cultural Landscapes (TCLs), and potential Traditional Cultural Properties (TCPs). Embedded in these resources and within the AHI are Rincon’s history, culture, and continuing traditional identity.

Based on the information provided above, the Rincon Band recommends conducting an archaeological/cultural resources study, to include an archeological record search and complete intensive survey of the property. Additionally, we ask that a professional Tribal monitor from the Rincon Band to accompany the archaeologist during the survey.

The Rincon Band further requests to consult directly with the lead agency regarding project impacts to cultural resources. While it is not the responsibility of the consultant to facilitate State-mandated consultation, the request is included in this letter so the lead agency is aware of the Tribe’s concerns about the project. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 ext. 323 or via electronic mail at cmadrigal@rincon-nsn.gov. We look forward to working together to protect and preserve our cultural assets.

Sincerely,



Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager