

APPENDIX C

Cultural Resources Technical Report

April 8, 2020

12034

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Subject: Negative Cultural and Paleontological Resources Letter Report for the Kaiser Permanente Medical Center Project, City of San Marcos, California

Dear Ms. Brindley:

This letter documents the cultural and paleontological resources inventory conducted by Dudek for the Kaiser Permanente Medical Center Project (Project), located in the City of San Marcos, California (Figure 1). The City of San Marcos is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). In accordance with CEQA, Dudek performed a Phase I cultural resources inventory for the property located at 400 West Craven Road (Assessor's Parcel Numbers 221-091-24-00 and 221-091-25-00) and for the off-site sewer improvement located on Craven road. The entire Project area encompasses approximately 36.29-acres (Figure 1).

CEQA refers to sequential stages of cultural resources investigation, including Inventory, Evaluation, and Mitigation. Phase I (Inventory), Phase II (Evaluation), and Phase III (Mitigation) are vernacular terms used in the cultural resources industry. For the purposes of this report, Phase I is defined as an Inventory and includes archival research for archaeological resources and Tribal Cultural Resources (TCRs), pedestrian survey, and other inventory methods.

Dudek conducted a records search for the proposed hospital development including a surrounding one-mile radius buffer at the South Coastal Information Center (SCIC). The records search did not identify any cultural resources within the Project area; however, 33 cultural resources were identified within the one-mile radius. As part of the process of identifying cultural resources within or near the Project, Dudek contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands Files (SLF). The NAHC did not identify Native American cultural resources within the Project area or surrounding larger search area. An intensive pedestrian survey of the Project area did not identify any cultural or built environment resources.

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To determine paleontological sensitivity of the Project, Dudek requested a paleontological records search through the San Diego Natural History Museum (SDNHM) of the Project area and a one-mile radius buffer. In addition to the paleontological records search, geological maps and paleontological literature were reviewed. The Dudek archaeological surveyor was cross-trained to recognize fossils in the field.

Dudek's Phase I cultural resources inventory of the Project indicates that archaeologically there is low sensitivity for intact subsurface archaeological deposits. Though Dudek has determined that there is a low potential for identifying intact subsurface archaeological deposits, the City of San Marcos, in consultation with concerned Traditionally and Culturally Affiliated Native American representatives, has determined that cultural monitoring is required during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the Project site, to identify any evidence of potential archaeological or cultural resources. Based on the results of the paleontological records search, paleontological survey, and background literature and map review, the Project area was determined to have low to no paleontological sensitivity, and no mitigation is necessary.

PROJECT DESCRIPTION AND LOCATION

The Project encompasses approximately 36.29-acres and is located at 400 West Craven Road (Assessor's Parcel Numbers 221-091-24-00 and 221-091-25-00) in the City of San Marcos, California (Figure 1). The proposed Project consists of constructing a hospital tower, a central plant located to the west of the hospital tower, parking areas, access roads, and one off-site sewer improvement (KH-8) location. The Project site falls within the northeastern portion of PLSS Section 14 of Township 12 South, Range 3 West of the San Marcos, California 7.5-minute U.S. Geological Survey Topographic Quadrangle Map (Figure 1).

The Project site would be located in the Barham/Discovery Neighborhood approximately 0.5-mile south of the State Route 78 (SR-78)/Twin Oaks Valley Road intersection. The property is bounded by Rush Drive to the east, Craven Road to the south, Echo Lane to the west, and the proposed Discovery Street extension to the north. The off-site sewer improvement location (KH-8) is located within Craven Road, east of the hospital property (Figure 1). Regional access to the site is provided by SR-78, which traverses the northern portion of the HCSP area and links Interstate 5 (I-5) to Interstate 15 (I-15). I-15 is located approximately 3 miles east of the site.

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REGULATORY FRAMEWORK

The California Register of Historic Resources (Public Resources Code section 5020 et seq.)

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code section 5020.1(j)). In 1992, the California legislature established CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code section 5024.1(a)). A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following National Register of Historic Places (NRHP) criteria:

- Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- Associated with the lives of persons important in our past.
- 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.
- Has yielded, or may be likely to yield, information important in prehistory or history.

(California Public Resources Code section 5024.1(c).) Resources less than 50 years old are not considered for listing in the CRHR, but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 CCR, section 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. The State Historic Preservation Officer maintains the CRHR.

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Native American Historic Cultural Sites (California Public Resources Code section 5097 et seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NRHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, required all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological and historic resources:

1. California Public Resources Code section 21083.2(g): Defines “unique archaeological resource.”
2. California Public Resources Code section 21084.1 and CEQA Guidelines section 15064.5(a): Define historical resources. In addition, CEQA Guidelines section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource;” it also defines the circumstances when a project would materially impair the significance of a historical resource.
3. California Public Resources Code section 5097.98 and CEQA Guidelines section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
4. California Public Resources Code sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures;

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preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code section 21084.1; CEQA Guidelines section 15064.5(b)). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code section 5024.1(q)), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code section 21084.1; CEQA Guidelines section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code section 21084.1; CEQA Guidelines section 15064.5(a)).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines section 15064.5(b)(1); California Public Resources Code section 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

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See Section 1.2.2, below for a discussion of the CEQA guidelines for determining significance and mitigating impacts to unique archaeological resources.

California Health and Safety Code section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains (section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (section 7050.5c). The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Senate Bill 18

California Senate Bill 18 (SB 18), which took effect on March 1, 2005, requires local (city and county) governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans (Government Code section 65352.3).

Assembly Bill 52

California Assembly Bill 52, which took effect July 1, 2015, establishes a consultation process between California Native American Tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to “tribal cultural resources” (TCR). Public Resources Code section 21074(a) defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. A TCR is defined as a site, feature, place, cultural landscape, sacred place, and object with cultural value to a California Native American tribe that is either:

1. listed or eligible for listing in the CRHR or a local register of historical resources, or
2. determined by a lead agency to be a TCR.

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City of San Marcos General Plan

Chapter 4 of the City’s General Plan (adopted in 2012 and updated in 2013) describes the cultural and paleontological resources, regulatory framework, and policies and plans to protect such resources (City of San Marcos 2013). The planning goals and policies are described below.

The City of San Marcos Goal COS-1, in the Goals and Policies section, consists of three policies to assist in the implementation of preserving cultural and historic resources. The City’s goal is to “continue to identify and evaluate cultural, historical, archaeological, paleontological, and architectural resources for protection from demolition and inappropriate actions” in compliance with CEQA guidelines (City of San Marcos 2013).

Paleontological Resources Regulations

Paleontological resources are limited, nonrenewable resources of scientific, cultural, and educational value and are afforded protection under state (CEQA) laws and regulations. This study satisfies project requirements in accordance with CEQA (13 PRC, 2100 et seq.) and Public Resources Code Section 5097.5 (Stats 1965, c 1136, p. 2792). This analysis also complies with guidelines and significance criteria specified by the SVP (2010).

Paleontological resources are explicitly afforded protection by CEQA, specifically in Section VII(f) of CEQA Guidelines Appendix G, the “Environmental Checklist Form,” which addresses the potential for adverse impacts to “unique paleontological resource[s] or site[s] or ... unique geological feature[s].” This provision covers fossils of signal importance – remains of species or genera new to science, for example, or fossils exhibiting features not previously recognized for a given animal group – as well as localities that yield fossils significant in their abundance, diversity, preservation, and so forth. Further, CEQA provides that generally, a resource shall be considered “historically significant” if it has yielded or may be likely to yield information important in prehistory (PRC 15064.5 [a][3][D]). Paleontological resources would fall within this category. The PRC, Chapter 1.7, sections 5097.5 and 30244 also regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

City of San Marcos General Plan

The Conservation and Open Space Element of the City’s General Plan (adopted in 2012 and updated in 2013) describes the cultural and paleontological resources, regulatory framework, and policies and plans to protect such resources (City of San Marcos 2013). The planning goals and policies are described below.

The City of San Marcos Goal COS-1, in the Goals and Policies section, consists of three policies to assist in the implementation of preserving paleontological resources. The City's goal is to "continue to identify and evaluate cultural, historical, archaeological, paleontological, and architectural resources for protection from demolition and inappropriate actions" in compliance with CEQA guidelines (City of San Marcos 2013).

METHODS

Archival Research

Dudek consulted historic aerial photographs (earliest available from 1947) and topographic maps (earliest available from 1893) to understand development of the Project site and surrounding properties. The topographic maps do not show historic structures within the Project area. Aerial photographs of the Project area were available for 1947, 1953, 1964, 1967, 1980, 1989, 1994, 1996, 2002, 2003, 2005, 2009, 2010, 2012 and 2014 (NETR 2019). The 1947 and 1953 historic photographs reveal that Project area was undeveloped. The Project area was utilized for farming/agriculture by 1967 based on the presence of agricultural structures in the historic aerial, most likely chicken coops. By 1989, the agricultural structures have been removed from the Project area. The 1989 aerial also reveals grading activities have occurred within the Project area. The 1994 and 1996 historic aerials reveals that the surrounding properties have been graded and residential/commercial development is present. The historic photographs reveal that the modern street layout and development of most of the surrounding area to the Project area was present prior to 2002. A parking lot and a building was also present within the southern portion of the Project area prior to 2002. Construction of the current Kaiser Permanente medical offices and parking lot occurred prior to 2005. The aerials from 2005, 2009, and 2010 do not reveal any changes to the Project area. By 2012, all four medical buildings and surrounding parking lots have been constructed. The 2014 aerial represents the current condition of the Project area to date; Kaiser Permanente office buildings and associated parking lot. The northern portion of the Project remains undeveloped. No historic structures are located within the Project area.

Cultural Resources Records Search

Dudek conducted a California Historical Resources Information Systems (CHRIS) records search of the Project area and a one-mile radius buffer at the South Coastal Information Center (SCIC) on July 1, 2019 (Confidential Appendix A). The records search results indicate that 82 previous cultural resources studies have been conducted within one-mile of the Project area (Table 1). Of the 82 previous studies, 11 intersect the Project area and are listed below in Table 1. The studies located within one-mile of the Project area are included in Confidential Appendix A. These studies

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consist primarily of archaeological inventory reports, archaeological evaluation reports, archaeological monitoring reports, Environmental Impact Reports, and historic resources evaluation reports.

One additional cultural resources study conducted by Dudek (Pham and Comeau 2018) is located within the surrounding one-mile radius of the Project area. This study has not been submitted to the SCIC; however, it is on file at Dudek. All relevant studies to the current Project will be discussed in the next section below. Overall, approximately 80% of the Project area has been studied previously.

Table 1
Previous Technical Studies within the Project area

Report Number	Authors	Date	Title
<i>Intersects the Project area</i>			
SD-00302	RMW PALEO ASSOCIATES	1989	CULTURAL RESOURCES RECONNAISSANCE OF THE DISCOVERY SAN MARCOS PARCEL, 260 ACRES IN SAN MARCOS, SAN DIEGO, COUNTY, CALIFORNIA
SD-00684	RECON	1985	ARCHAEOLOGY SURVEY OF THE PROHOROFF PROPERTY SAN MARCOS, CALIFORNIA
SD-01031	WESTEC SERVICES, INC.	1983	ARCHAEOLOGICAL REPORT FOR BUSINESS/ INDUSTRIAL, RICHMAR, SAN MARCOS, AND BARHAM/ DISCOVERY COMMUNITY PLAN, SAN MARCOS, CALIFORNIA
SD-02043	MICHEAL BRANDMAN ASSOCIATES, INC.	1989	DRAFT ENVIRONMENTAL REPORT SAN MARCOS, FLOOD CONTROL CHANNEL SAN MARCOS CREEK/ LAS POSAS REACH SC H#88061505
SD-02373	GALLEGOS AND ASSOCIATES	1992	HISTORICAL / ARCHAEOLOGICAL SURVEY FOR THE PROPOSED KAISER PERMANENTE MEDICAL CENTER
SD-07664	ARCHAEOLOGICAL CONSULTING & TECHNOLOGY	1980	ARCHAEOLOGICAL RECONNAISSANCE AND SUBSURFACE TESTING OF THE DISCOVERY SAN MARCOS PROJECT, SAN MARCOS, CA
SD-07729	CDF	2000	MANAGEMENT PLAN FOR CDF'S HISTORIC BUILDINGS AND ARCHAEOLOGICAL SITES
SD-10551	SWCA ENVIRONMENTAL CONSULTANTS	2006	CULTURAL RESOURCES FINAL REPORT OF MONITORING AND FINDINGS FOR THE QWEST NETWORK CONSTRUCTION PROJECT, STATE OF CALIFORNIA
SD-12025	GALLEGOS AND ASSOCIATES	2005	CULTURAL RESOURCE SURVEY FOR THE GRAND AVENUE BRIDGE PROJECT SAN MARCOS, CALIFORNIA
SD-13495	ASM AFFILIATES	2011	CULTURAL RESOURCE STUDY FOR THE UOMP PROJECT, SAN DIEGO COUNTY, CALIFORNIA
SD-14140	AFFINIS	2003	ARCHAEOLOGICAL RECORDS SEARCH AND LITERATURE REVIEW, VALLECITOS WATER DISTRICT MASTER PLAN UPDATE SAN DIEGO COUNTY, CALIFORNIA

SD-02373

This previous study is pertinent to the current study because it intersects the present Project area. Gallegos & Associates conducted a historical and archeological study for the Kaiser Permanente Medical Center Project in 1992. The study included a records search, reviews of historic maps, and a field survey. No cultural resources were identified during the study, therefore, it was determined that the construction of the Kaiser Permanente Medical Center would not adversely impact cultural resources. No further cultural resource work was recommended.

SCIC records did not identify any cultural resources within the Project area; however, 33 cultural resources are located within the one-mile search radius (Confidential Appendix A). Of the 33 cultural resources, three (3) (P-37-027375, P-37-027377, and P-37-036501) are located approximately 50 meters north of the Project area. The three (3) cultural resources are discussed in Table 1 below. The remaining 30 cultural resources are included in Confidential Appendix A. No historic addresses are located within the Project area, however, two (2) are located within the one-mile search radius (Confidential Appendix A).

Table 2
Cultural Resources within One-Mile of the Project area

Primary Number	Trinomial	Type	Description
<i>Outside of the Project area</i>			
P-37-027375	CA-SDI-17896	Prehistoric	Bedrock milling
P-37-027377	CA-SDI-17898	Historic	Historic concrete foundation
P-37-036501	N/A	Historic	Historic concrete foundation

Paleontological Resources Records Search and Literature Review

Dudek requested a paleontological records search from the San Diego Natural History Museum (SDNHM) on July 10, 2019, and the results were received on July 18, 2019. According to surficial geological mapping of Kennedy et al. (2007) at a scale of 1:100,000 and the paleontological records search (McComas 2019), the Project area is underlain by middle Cretaceous (~ 100 million years ago [mya]) plutonic igneous rocks (map unit Kt), consisting of undivided tonalites and Jurassic (~ 201 – 145 mya) undivided metasedimentary and metavolcanic rocks (map unit Mzu). The SDNHM did not report any fossil localities from within the Project area or from the same geological units near the Project area (McLeod 2018).

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Plutonic igneous rocks have no paleontological sensitivity, and undivided metasedimentary and metavolcanic rocks have marginal (metavolcanic rocks) to moderate (metasedimentary rocks) paleontological sensitivity per the SDNHM (McComas 2019). However, because the metasedimentary rocks do not have a record of producing significant paleontological resources near the Project area, the SDNHM assigned the geological unit low paleontological sensitivity in the Project vicinity and did not recommend implementing a paleontological mitigation program.

NAHC and Tribal Correspondence

Dudek requested a NAHC search of its Sacred Lands File on July 1, 2019 for the Project area. The NAHC results, received July 19, 2019, reported that the SLF results were negative, meaning Native American Sacred sites were not identified (Appendix B). The NAHC also provided a contact list of Native American representatives for tribes that are traditionally geographically affiliated with the Project APE (Appendix B). Letters with a map and description of the proposed Project were subsequently sent to these individuals and organizations on August 27, 2019. Four responses have been received by Dudek to date. Rincon Band of Luiseno Indians responded by letter, dated September 5, 2019, and stated that the Project area is located within the territory of the Luiseno people, and is also within Rincon's specific area of historic interest. The Tribe has knowledge of one Luiseno Place Name, *annavax*, located within close proximity to the proposed Project area. The Rincon Band recommends that a cultural study be conducted for the Project and that a copy of the report be provided to the Rincon Band (Appendix B). Agua Caliente Band of Cahuilla Indians responded by email on September 24, 2019, stating that the Project is not located within the Tribe's Traditional Use Area and defer to other Tribes in the area (Appendix B). Viejas Band of Kumeyaay Indians responded by letter, dated September 24, 2019, stating that the project site has cultural significance to the Kumeyaay Nation and that the San Pasqual Band of Mission Indians be notified (Appendix B). Pechanga Temecula Band of Luiseno Mission Indians responded by letter, dated October 2, 2019, stating that the Project area is not within reservation lands although it is within their ancestral territory. The tribe requests consultation for the Project. (Appendix B). Any additional responses received will be forwarded to the City.

The proposed Project is also subject to compliance with Assembly Bill (AB) 52 (PRC 21074) which requires consideration of impacts to "tribal cultural resources" as part of the CEQA process. AB 52 requires the City of San Marcos, lead agency responsible for CEQA compliance for the proposed Project, to notify any groups (who have requested notification) of the proposed project who are traditionally or culturally affiliated with the geographic area of the project. Because AB 52 is a government-to-government process, all records of correspondence related to AB 52 notification and any subsequent consultation are on file with the City of San Marcos and included in Confidential Appendix D.

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Intensive Pedestrian Survey

The intensive pedestrian survey was conducted by Dudek archaeologist and cross-trained paleontologist, Makayla Murillo, on July 2, 2019, using standard archaeological procedures and techniques that meet the Secretary of Interior's standards and guidelines for cultural resources inventory. Saving Sacred Sites Native American monitor Ray Casteneda accompanied Ms. Murillo during the survey. A subsequent intensive pedestrian survey was conducted along the off-site sewer improvement alignment by Dudek archaeologist Matthew DeCarlo on February, 5, 2020. Mr. DeCarlo was accompanied by Saving Sacred Sites Native American monitor Ali'i Suiaunoa. The intensive-level survey methods consisted of a utilizing 15 meter-wide transects across the Project area. Within the transects the ground surface was examined for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of the current or former presence of structures or buildings (e.g., standing exterior walls, post holes, foundations), and historic-age artifacts (e.g., metal, glass, ceramics, building materials). Ground disturbances such as burrows, cut banks, and drainages were also visually inspected for exposed subsurface materials.

The Project area and off-site sewer improvements locations (KH-8 and KH-20) are entirely disturbed by past agricultural (e.g. plow scars), grading activities, landscaping, and asphalt paved roads. The current Kaiser Permanente medical buildings and parking lot covers the majority of the Project area. The northern portion of the site remains undeveloped. The ground visibility for the Project area was poor (~ 10%) in areas where buildings, asphalt pavements, and dense vegetation was present. Ground visibility was excellent in areas that consisted of exposed surface soils (100%). Modern debris (e.g. bricks, concrete fragments, concrete pipes, and discarded rock piles) and possible geotechnical testing pits were observed within the undeveloped portion of the Project area during the field survey. The off-site sewer improvement locations are completely developed with a modern asphalt road and landscaping. Ground visibility for the off-site locations was poor in areas where asphalt pavements, and concrete medians and sidewalks were present. No cultural or paleontological resources were identified within the Project area during the field survey.

SUMMARY AND MANAGEMENT CONSIDERATIONS

Recommendations

Dudek's Phase I cultural resources inventory of the Project indicates that archaeologically there is low sensitivity for intact subsurface archaeological deposits. No cultural resources are present within the Project area. Further, no tribal cultural resources were identified by the NAHC Sacred Lands File search. As there are no resources in the Project area, no historical resources, as defined under CEQA, will be impacted by the Project. This includes no direct, indirect, or cumulative impacts.

Though Dudek has determined that there is a low potential for identifying intact subsurface archaeological deposits, the City of San Marcos, in consultation with concerned Traditionally and Culturally Affiliated Native American representatives, has determined that cultural monitoring is required. The following mitigation measures would reduce potentially significant impacts to cultural resources and human remains to a less-than-significant level:

MM-CUL-1 The applicant shall ensure that the following procedures are in place in order to protect archeological resources:

- a. Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.
- b. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal

cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

- c. Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.
- d. Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.
- e. The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be

noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.

- f. The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present as determined by the Qualified Archaeologist and TCA Native American Monitor during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.
- g. The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthen artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If however, a data recovery plan is authorized by the City as the Lead Agency under

Ms. Brindley

Subject: Negative Cultural and Paleontological Resources Letter Report for the Kaiser Permanente San Marcos Project, City of San Marcos, California

CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

MM-CUL-2 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 Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, 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. By law, the Medical Examiner will determine within

Ms. Brindley

*Subject: Negative Cultural and Paleontological Resources Letter Report for the Kaiser
Permanente San Marcos Project, City of San Marcos, California*

two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.

Based on the paleontological records search, the intensive pedestrian survey, and geological map and paleontological literature review, the Project site is considered to have no to low paleontological sensitivity and no paleontological mitigation is necessary.

Ms. Brindley

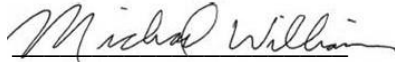
*Subject: Negative Cultural and Paleontological Resources Letter Report for the Kaiser
Permanente San Marcos Project, City of San Marcos, California*

Should you have any questions relating to this report and its findings, please do not hesitate to contact me at 760.479.4855 or apham@dudek.com.

Respectfully Submitted,



Angela Pham, M.A., RPA
Archaeologist



Michael Williams, Ph.D.
Senior Paleontologist

Att: *Figure 1, Project Location*
Confidential Appendix A, SCIC Records Search Results
Appendix B, NAHC Correspondence and Tribal Outreach
Appendix C, LACM Paleontological Records Search Results
Confidential Appendix D, City of San Marcos AB 52 Consultation

CC: Shawn Shamlou, Candace Magnus, Micah Hale, Dudek

REFERENCES

City of San Marcos General Plan. 2013. Accessed July 15, 2019.

<http://www.lagunabeachcity.net/cityhall/cd/planning/plans.htm>.

Kennedy, M.P., S.S. Tan, K.R. Bovard, R.M. Alvarez, M.J. Watson, C.L. and Gutierrez.
2007. Geologic map of the Oceanside 30x60-minute quadrangle, California: California
Geological Survey, Regional Geologic Map No. 2, scale 1:100,000

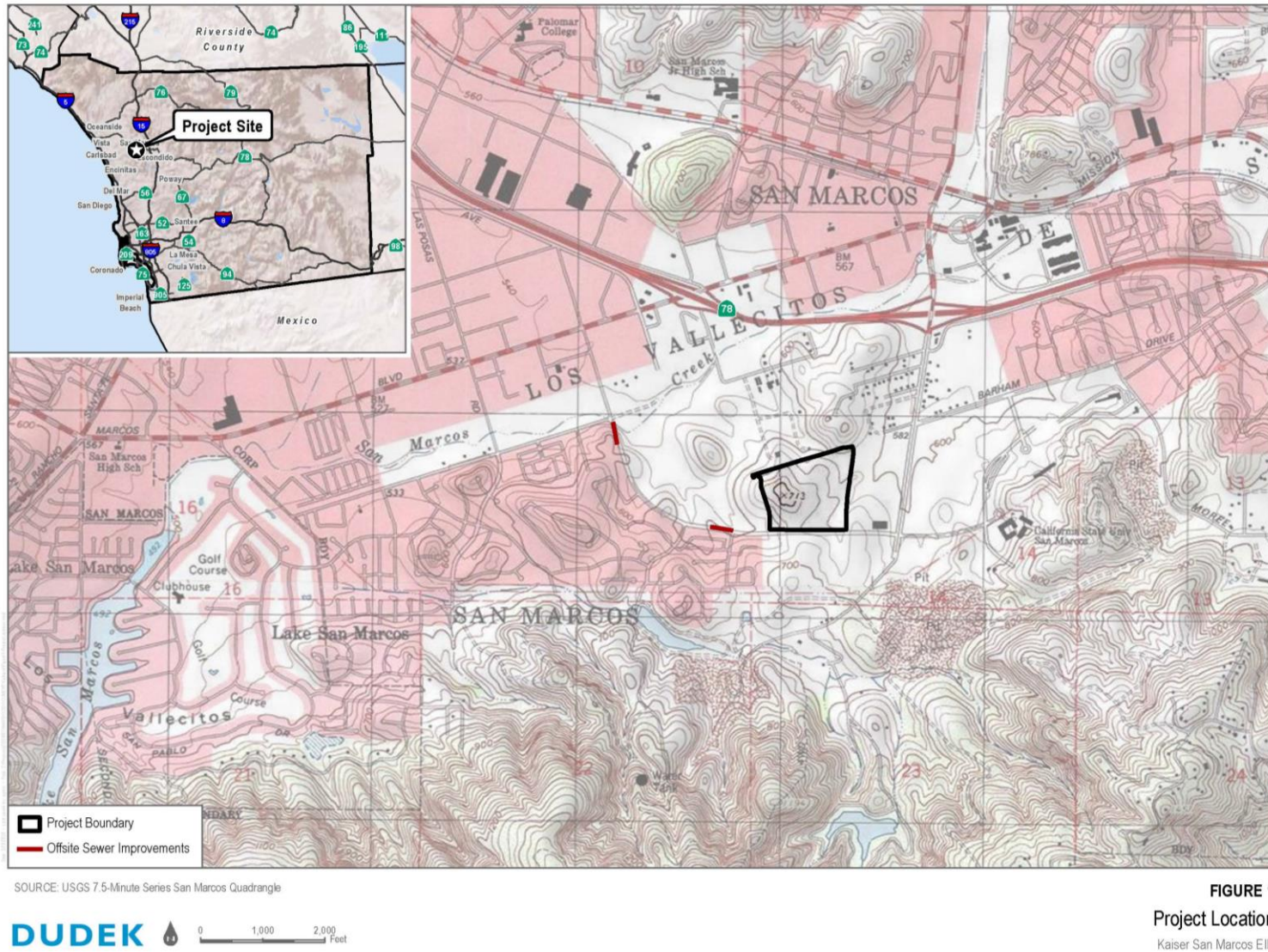
McComas, K.A. 2019. Paleontological Records Search - Kaiser Permanente San Marcos (Dudek
PN 12034). Unpublished records search letter from the San Diego Natural History
Museum, San Diego, California.

NETR (National Environmental Title Research). 2019. Address search for 400 Craven Road, San
Marcos, California. Accessed July 10, 2019. <http://www.historicaerials.com/>.

Society of Vertebrate Paleontology (SVP). 2010. Standard Procedures for the Assessment and
Mitigation of Adverse Impacts to Paleontological Resources. 11 p. Available;
http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx.

Ms. Brindley

Subject: Negative Cultural and Paleontological Resources Letter Report for the Kaiser Permanente San Marcos Project, City of San Marcos, California



CONFIDENTIAL
APPENDIX A
SCIC Records Search Results

APPENDIX B

NAHC Correspondence and Tribal Outreach

July 1, 2019

NAHC Staff
Associate Government Program Analyst
Native American Heritage Commission

Subject: NAHC Sacred Lands File Records Search Request for the Kaiser Permanente San Marcos Hospital Project, San Marcos, San Diego County, California

Dear NAHC Staff,

The Kaiser Permanente San Marcos Hospital Project is located in San Marcos, San Diego County, California. The Project proposes to develop a new hospital and parking lot. The majority of the proposed Project would be developed on the northern portion, approximately 7.96-acres, just to the north of four existing Kaiser medical office buildings located at 400 Craven Road, San Marcos, California. This area falls within the following PLSS area: Township 12S/ Range 3W – Section 14; San Marcos Quadrangle, CA 1:24,000 USGS maps (Figure 1).

Dudek is requesting a NAHC search for any sacred sites or other Native American cultural resources that may fall within the proposed project location or a surrounding one-mile buffer. Please provide a Contact List with all Native American tribal representatives that may have traditional interests in this parcel or the surrounding search area. The results of this search can be faxed to 760-632-0164.

If you have any questions relating to this investigation, please contact me directly by email or phone.

Regards,



Angela Pham, M.A., RPA
Archaeologist

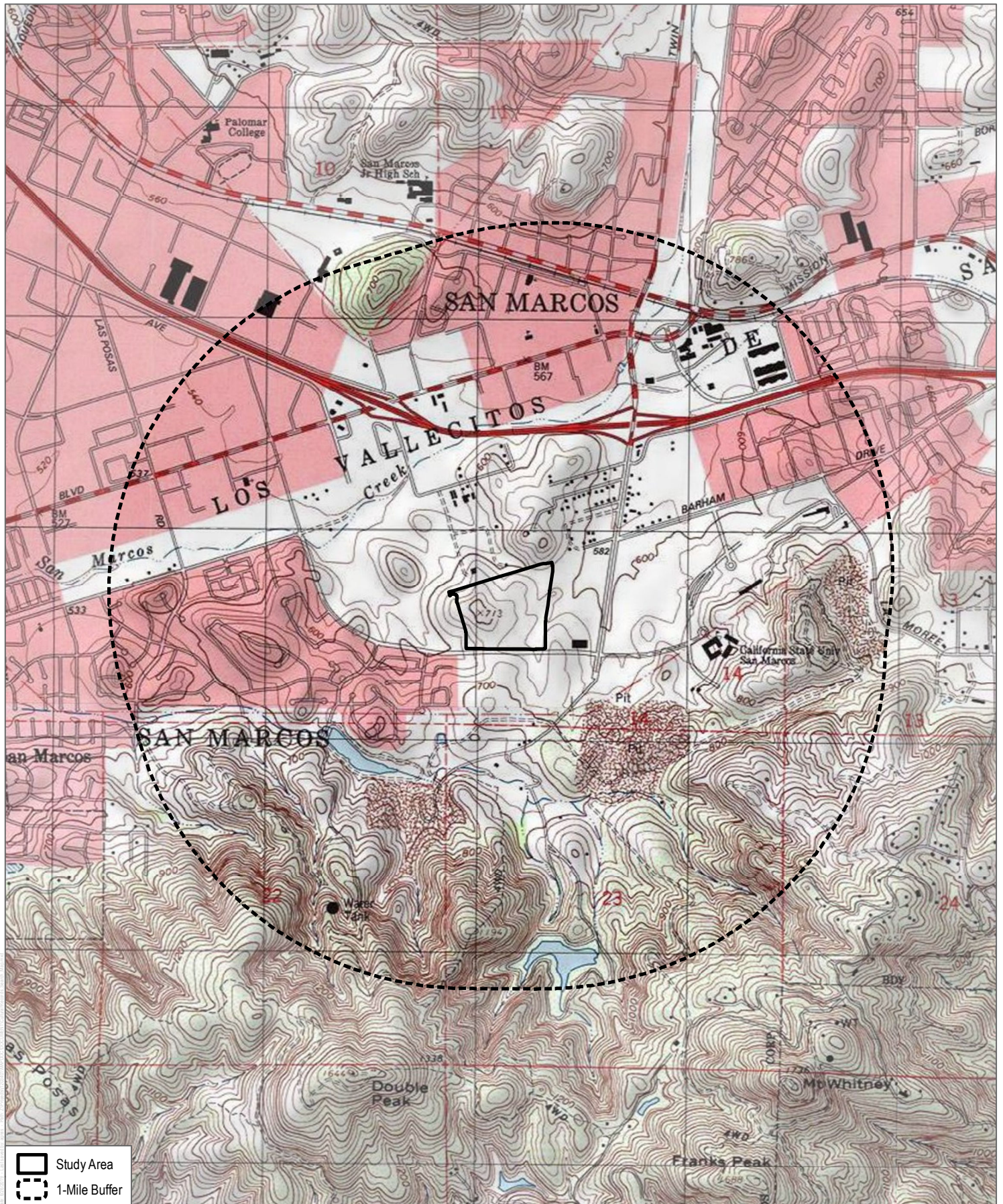
DUDEK



Phone: (760) 479-4855

Email: apham@dudek.com

Attachments:

Figure 1. SLF Records Search Request Map



 Study Area
 1-Mile Buffer

SOURCE: SOURCE: USGS 7.5-Minute Series San Marcos, Rancho Santa Fe Quadrangles
 Township 12S/ Range 3W/ Sections 10, 11, 12, 13, 14, 15, 22, 23, 24

DUDEK 

0 1,000 2,000
 Feet
 0 285 570
 Meters
 1:24,000

Records Search

Kaiser Permanente San Marcos Hospital Project EIR

**Native American Heritage Commission
Native American Contact List
San Diego County
7/19/2019**

***Agua Caliente Band of Cahuilla
Indians***

Patricia Garcia-Plotkin, Director
5401 Dinah Shore Drive
Palm Springs, CA, 92264
Phone: (760) 699 - 6907
Fax: (760) 699-6924
ACBCI-THPO@aguacaliente.net

Cahuilla

***Agua Caliente Band of Cahuilla
Indians***

Jeff Grubbe, Chairperson
5401 Dinah Shore Drive
Palm Springs, CA, 92264
Phone: (760) 699 - 6800
Fax: (760) 699-6919

Cahuilla

***Barona Group of the Capitan
Grande***

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

Diegueno

***Campo Band of Diegueno
Mission Indians***

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

Diegueno

Ewiiapaayp Tribe

Michael Garcia, Vice Chairperson
4054 Willows Road
Alpine, CA, 91901
Phone: (619) 445 - 6315
Fax: (619) 445-9126
michaelg@leaningrock.net

Diegueno

Ewiiapaayp Tribe

Robert Pinto, Chairperson
4054 Willows Road
Alpine, CA, 91901
Phone: (619) 445 - 6315
Fax: (619) 445-9126
wmicklin@leaningrock.net

Diegueno

Iipay Nation of Santa Ysabel

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

Diegueno

Iipay Nation of Santa Ysabel

Clint Linton, Director of Cultural
Resources
P.O. Box 507
Santa Ysabel, CA, 92070
Phone: (760) 803 - 5694
cjinton73@aol.com

Diegueno

Inaja-Cosmit Band of Indians

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

Diegueno

Jamul Indian Village

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

Diegueno

***Kwaaymii Laguna Band of
Mission Indians***

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

Kwaaymii
Diegueno

***La Jolla Band of Luiseno
Indians***

Fred Nelson, Chairperson
22000 Highway 76
Pauma Valley, CA, 92061
Phone: (760) 742 - 3771

Luiseno

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 Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Kaiser Permanente San Marcos Hospital Project, San Diego County.

**Native American Heritage Commission
Native American Contact List
San Diego County
7/19/2019**

***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

***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

***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

***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

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

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

***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

***Pechanga Band of Luiseno
Indians***

Paul Macarro, Cultural Resources
Coordinator
P.O. Box 1477 Luiseno
Temecula, CA, 92593
Phone: (951) 770 - 6306
Fax: (951) 506-9491
pmacarro@pechanga-nsn.gov

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

Rincon Band of Luiseno Indians

Jim McPherson, Tribal Historic
Preservation Officer
One Government Center Lane Luiseno
Valley Center, CA, 92082
Phone: (760) 749 - 1051
Fax: (760) 749-5144
vwhipple@rincontribe.org

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Kaiser Permanente San Marcos Hospital Project, San Diego County.

**Native American Heritage Commission
Native American Contact List
San Diego County
7/19/2019**

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

San Luis Rey Band of Mission Indians

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

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

San Pasqual Band of Diegueno Mission Indians

John Flores, Environmental Coordinator
P. O. Box 365 Diegueno
Valley Center, CA, 92082
Phone: (760) 749 - 3200
Fax: (760) 749-3876
johnf@sanpasqualtribe.org

Soboba Band of Luiseno Indians

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

Soboba Band of Luiseno Indians

Scott Cozart, Chairperson
P. O. Box 487 Cahuilla
San Jacinto, CA, 92583 Luiseno
Phone: (951) 654 - 2765
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov

Sycuan Band of the Kumeyaay Nation

Lisa Haws, Cultural Resources Manager
1 Kwaaypaay Court Kumeyaay
El Cajon, CA, 92019
Phone: (619) 312 - 1935
lhaws@sycuan-nsn.gov

Sycuan Band of the Kumeyaay Nation

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

Viejas Band of Kumeyaay Indians

Ernest Pingleton, Tribal Historic Officer, Resource Management
1 Viejas Grade Road Diegueno
Alpine, CA, 91901
Phone: (619) 659 - 2314
epingleton@viejas-nsn.gov

Viejas Band of Kumeyaay Indians

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

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 Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Kaiser Permanente San Marcos Hospital Project, San Diego County.

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



July 19, 2019

Angela Pham
Dudek

VIA Email to: apham@dudek.com

RE: Kaiser Permanente San Marcos Hospital Project, San Diego County

Dear Ms. Pham:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

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 lists contain current information. If you have any questions or need additional information, please contact me at my email address: steven.quinn@nahc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Steven Quinn".

Steven Quinn
Associate Governmental Program Analyst

Attachment



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

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

Chairperson:
Neal Ibanez

Vice Chairperson:
Bridgett Barcello

Committee Members:
Andrew Masiel, Sr.
Darlene Miranda
Evie Gerber
Richard B. Searce, III
Robert Villalobos

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Tuba Ebru Ozdil

Planning Specialist:
Molly E. Escobar

October 2, 2019

VIA E-Mail and USPS

Angela Pham
DUDEK
605 Third St.
Encinitas, CA 92024

RE: Request for Information for the Kaiser Permanente San Marcos Project in the City of San Marcos.

Dear Ms. Pham,

The Pechanga Band of Luiseño 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 lands although it is within our ancestral territory.

At this time, the Tribe is interested in participating in this Project based on our cultural knowledge of the region. The Project is located within the Luiseño Ancestral territory, as well as directly surrounded by several recorded resources. After reviewing the historic aeriels, the Tribe understands that portions of the Project area has been disturbed, for construction purposed (i.e. Layyards and stockpile storage), however, given the nature of the recoded sites just outside the Proposed Project area, and the scope of work will likely impact surface and subsurface cultural resources.

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 Luiseño Tribe monitor will 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

Pechanga Scoping Response

Re: Pechanga Tribe Scoping Response for the Kaiser Permanente Project

October 2, 2019

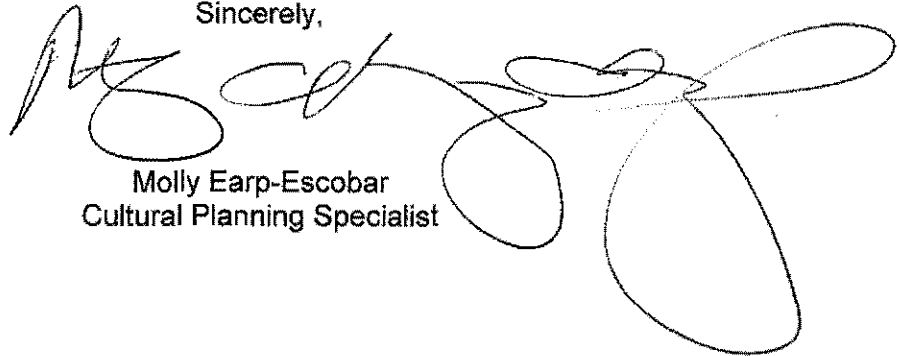
Page 2

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 Luiseño ancestral territory. Prior to conducting any surveys, please contact the Cultural Department to schedule specifics. Please be advised, the lead contact for this project is our Cultural Analyst, Ebru Ozdil. She can be reached at eozdil@pechanga-nsn.gov or at (951) 770-6313. If you have any questions or concerns regarding this letter, please contact me at mescobar@pechanga-nsn.gov or 951-770-6314.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and flourishes, positioned above the printed name.

Molly Earp-Escobar
Cultural Planning Specialist

*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, California 92082 ·
(760) 297-2635 Fax:(760) 692-1498



September 5, 2019

Angela Pham
DUDEK
605 Third Street
Encinitas, CA 92024

Re: Kaiser Permanente San Marcos Project

Dear Ms. Pham,

This letter is written on behalf of the Rincon Band of Luiseño Indians. 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 Territory of the Luiseño people, and is also within Rincon's specific area of Historic interest.

Embedded in the Luiseño territory are Rincon's history, culture and identity. We have knowledge of one Luiseño Place Name, *ánaavax*, within close proximity to the proposed project area. We recommend that a cultural study be conducted for this project, to include an archeological record search. In addition, we ask that a copy of the cultural study be provided to the Rincon Band.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal, M.A.

Cultural Resources Manager

Cultural Resources Department

Office: 760-297-2635 ext. 318 | Cell: 760-648-3000

Email: cmadrigal@rincon-nsn.gov

Bo Mazzetti
Tribal Chairman

Tishmall Turner
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Alfonso Kolb
Council Member

VIEJAS

TRIBAL GOVERNMENT

P.O. Box 908
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901

Phone: 6194453810
Fax: 6194455337
viejas.com

September 24, 2019

Angela Pham
DUDEK
605 Third Street
Encinitas, California 92024

RE: Kaiser Permanente San Marcos Project

Dear, Ms. Pham

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site has cultural significance or ties to the Kumeyaay Nation. We recommend that you notify the:

San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, Ca 92082

Additionally, we request, as appropriate, the following:

- All NEPA/CEQA/NAGPRA laws be followed
- Immediately contact San Pasqual on any changes or inadvertent discoveries.

Thank you for your collaboration and support in preserving our Tribal cultural resources. I look forward to hearing from you. Please call me at 619-659-2312 or Ernest Pingleton at 619-659-2314, or email, rteran@viejas-nsn.gov or epingleton@viejas-nsn.gov, for scheduling. Thank you.

Sincerely,



Ray Teran, Resource Management
VIEJAS BAND OF KUMEYAAY INDIANS

Cc: San Pasqual

From: Fossum, Larry (TRBL) <lfossum@aguacaliente.net>
Sent: Tuesday, September 24, 2019 2:52 PM
To: Angela Pham
Subject: Kaiser Permanente San Marcos Project

Dear Angela:

A records check of the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to other tribes in the area. This letter shall conclude our consultation efforts.

Cordially,

Larry Fossum
On behalf of Patricia Garcia-Plotkin
Director of Historic Preservation
Agua Caliente Band of Cahuilla Indians

APPENDIX C

LACM Paleontological Records Search Results

July 10, 2019

12034

Katie McComas
San Diego Natural History Museum

Subject: Paleontological Record Search Request, Kaiser Permanente San Marcos Project, City of San Marcos, San Diego County, California

Dear Katie,

Dudek has been retained to conduct a cultural and paleontological resources study in support of the Kaiser Permanente San Marcos Project (proposed project) to determine whether the proposed project will encroach on previously investigated fossil localities. The lead agency for the project is requesting a review of the paleontological localities maintained by your office.

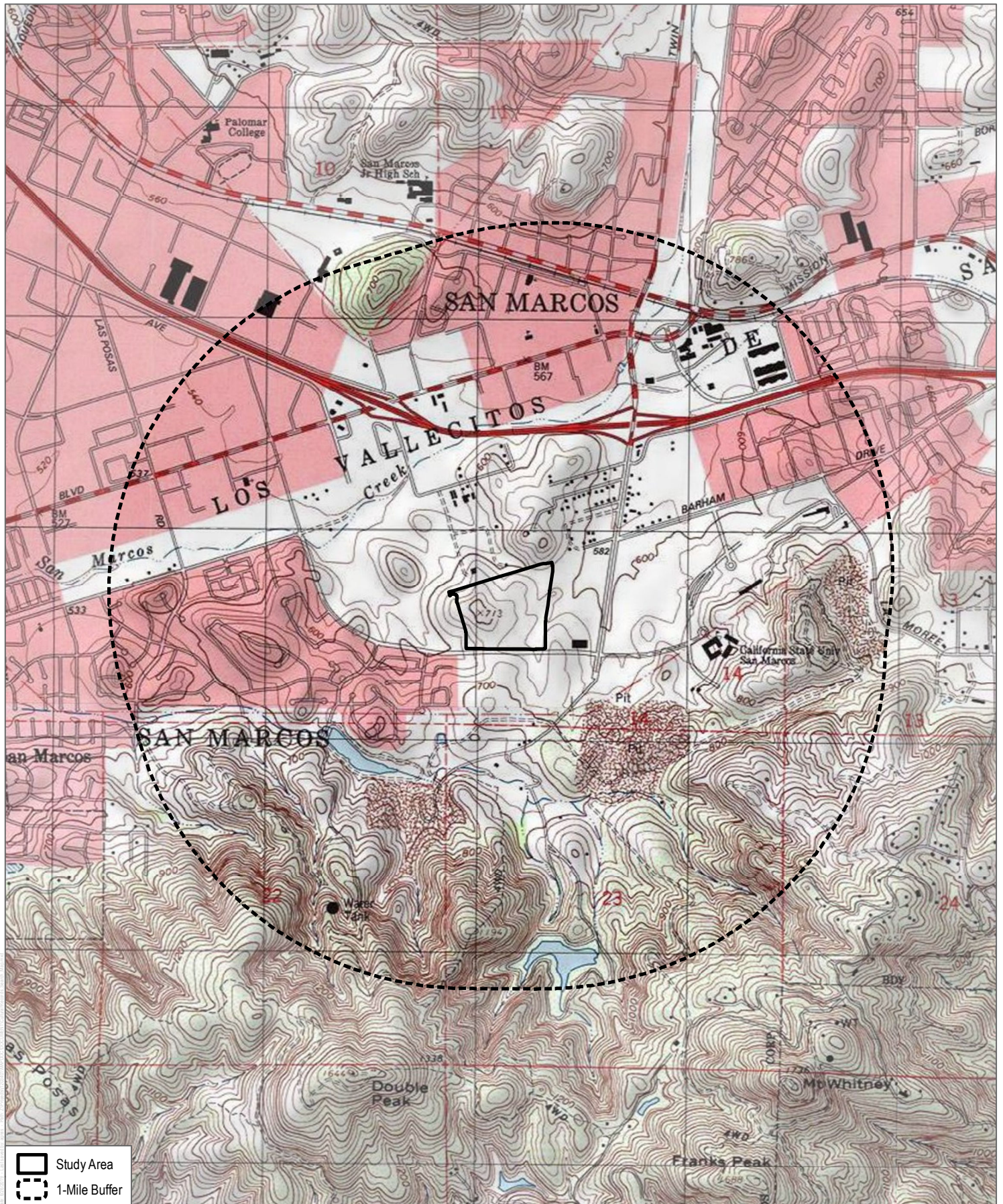
To facilitate the review, I have attached a map with the proposed project location and a one-mile buffer (Base maps: San Marcos and Ranch Santa Fe 7.5' Topographic Quadrangles). Please conduct a review of the proposed project area, including a one-mile radius buffer and provide a list of fossil localities within or nearby the proposed project boundaries. An invoice may be sent to my attention, Mike Williams (mwilliams@dudek.com) or Sarah Siren (ssiren@dudek.com), at your earliest convenience.

Thank you and if I can be of any further assistance, please call or email.

Sincerely,



Michael Williams, Ph.D.
Paleontologist
Dudek
(225) 892-7622
mwilliams@dudek.com



SOURCE: SOURCE: USGS 7.5-Minute Series San Marcos, Rancho Santa Fe Quadrangles
Township 12S/ Range 3W/ Sections 10, 11, 12, 13, 14, 15, 22, 23, 24

DUDEK

Records Search

Kaiser Permanente San Marcos Hospital Project EIR

SAN DIEGO NATURAL HISTORY MUSEUM

18 July 2019

Dr. Michael Williams
Dudek
605 Third Street
Encinitas, CA 92024

RE: Paleontological Records Search – Kaiser Permanente San Marcos (Dudek PN 12034)

Dear Dr. Williams:

This letter presents the results of a paleontological records search conducted for the Kaiser Permanente San Marcos project (Project), located in the central portion of City of San Marcos, San Diego County, California. The Project site is bordered to the west by Echo Lane, to the south by Craven Road, to the east by Rush Drive, and to the north by undeveloped land.

A review of published geological maps covering the Project site and surrounding area was conducted to determine the specific geologic units underlying the Project site. Each geologic unit was subsequently assigned a paleontological resource sensitivity (Deméré and Walsh, 1993). In addition, a search of the paleontological collection records housed at the San Diego Natural History Museum (SDNHM) was conducted in order to determine if any documented fossil collection localities occur at the Project site or within the immediate surrounding area.

Geologic Units Underlying the Project Area

Published geological reports (e.g., Kennedy and Tan, 2007) covering the Project area indicate that the Project site is underlain by Cretaceous-age intrusive igneous rocks and Mesozoic-age metasedimentary and metavolcanic rocks. These geologic units and their paleontological sensitivity are summarized below. The SDNHM does not have any recorded fossil localities within one mile of the Project site.

Cretaceous intrusive igneous rocks – The Cretaceous intrusive igneous rocks of San Diego County comprise part of the northern end of the Peninsular Ranges Batholith, and include the unit mapped as tonalite by Kennedy and Tan (2007). The northeastern corner of the Project site is underlain by these rocks. The SDNHM does not have any fossil localities from intrusive igneous rocks within a one-mile radius of the Project site. Plutonic igneous rocks do not preserve fossils because they crystallize at extremely high temperatures and pressures several miles below the earth's surface, so these rocks are assigned no paleontological sensitivity.

Mesozoic metasedimentary and metavolcanic rocks – Crystalline basement rocks of early Cretaceous age (approximately 145 to 125 million years old), mapped as Mesozoic metasedimentary and metavolcanic rocks by Kennedy and Tan (2007), underlie the majority of the Project site. The SDNHM does not have any fossil localities from this geologic unit within a one-mile radius of the Project site. The metavolcanic portions of this unit rarely preserve fossils due to the high temperatures associated with their formation; some of the volcanic breccias, however, have produced petrified wood, and are assigned a marginal sensitivity. The metasedimentary portions have the potential to yield fossils,

including siliceous microfossils (e.g., radiolarians) and marine macroinvertebrates (e.g., clams and belemnites), and are assigned a moderate paleontological sensitivity. The lack of nearby localities from these deposits indicates that fossil recovery is unlikely, so the geologic unit as a whole as exposed within the Project site is assigned a low paleontological sensitivity.

Summary and Recommendations

The low paleontological sensitivity of Mesozoic metasedimentary and metavolcanic rocks and no paleontological sensitivity of Cretaceous intrusive igneous rocks present within the Project site (Deméré and Walsh, 1993) suggest that construction of the proposed Project is unlikely to result in impacts to paleontological resources. Therefore, implementation of a paleontological resource mitigation program during ground-disturbing activities is not recommended.

If you have any questions concerning these findings please feel free to contact me at 619-255-0321 or kmccomas@sdnhm.org.

Sincerely,

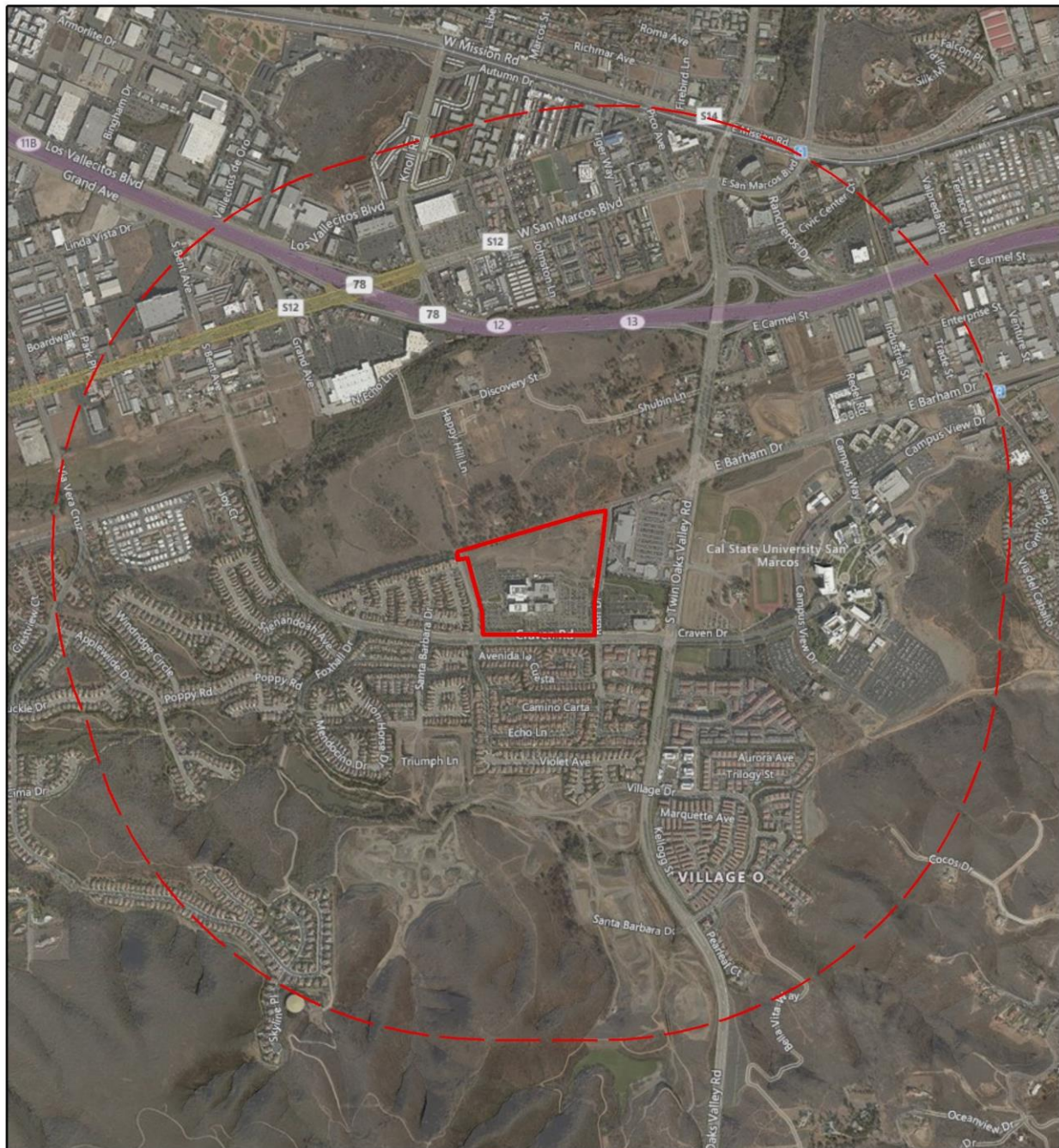


Katie McComas, M.S.
Paleontological Report Writer & GIS Specialist
San Diego Natural History Museum

Enc: Figure 1: Project map

Literature Cited

- Deméré, T.A., and Walsh, S.L. 1993. Paleontological Resources, County of San Diego. Prepared for the San Diego Planning Commission: 1–68.
- Kennedy, M.P., and Tan, S.S. 2007. Geologic Map of the Oceanside 30' x 60' Quadrangle, California. California Geological Survey, Regional Geologic Map Series 1:100,000 scale, map no. 2.
- San Diego Natural History Museum (SDNHM), unpublished paleontological collections data.



Sources: Bing Maps Hybrid Imagery, Microsoft et al., 2019; Terrain Hillshade, Esri et al., 2019

-  Project boundary
-  1 mile radius buffer



	FIGURE 1	<p>Project Map Kaiser Permanente San Marcos City of San Marcos, San Diego County, California</p>	<p>0 0.4 scale in miles</p> 
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CONFIDENTIAL
APPENDIX D

City of San Marcos AB 52 Consultation

