

Comment Set B0042  
San Diego County Archaeological Society, Inc.



**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

8 April 2008

To: CPUC/BLM  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, California 94104

Subject: Draft Environmental Impact Report/Environmental Impact Statement  
Sunrise Powerlink Project

Gentlemen:

I have reviewed the cultural resources aspects of the subject DEIR/DEIS on behalf of this committee of the San Diego County Archaeological Society (SDCAS).

Normally, when SDCAS participates in the public review for projects in San Diego County, significantly greater detail is available to us than is the case on the Sunrise Powerlink (SRPL) project. Having very brief summaries of sites, with no real attempt to characterize the difficulty of mitigation other than mention of how many sites are known to contain human remains or rock art, substantially limits our ability to provide a real review.

Mention of the number of sites "potentially eligible" for the National or California Registers is really just a count of sites that are more than isolates and that have not previously been evaluated for eligibility. It would have been helpful to have distinguished between sites with a low, medium or high likelihood of being eligible. For example, sites with just bedrock milling and not associated with a large habitation site might be considered to have a low likelihood of being eligible. Tabulating those results by route segment would have helped assess the various alternatives' acceptability from a cultural resources standpoint. Of course, simple site counts, even with the help of this additional screening, in and of themselves, don't necessarily provide a clear distinction between the desirability of the various routes.

Further making a real comparison of the relative desirability of the routes and segments difficult is the fact that various portions of each segment were not archaeologically surveyed, and sites in the unsurveyed are apparently just educated guesses. This, plus the numerous sites that have not been tested and actually evaluated for significance, appears to be inconsistent with the *Sundstrom v. County of Mendocino* decision, in that the full impacts of the project are not being disclosed to either the public or the decision-makers prior to project approval.

Page D.7-15 notes that "This EIS/EIR is not intended to address all of the requirements of Section 106." It goes on to cite plans for a "phased identification and evaluation." Please

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B0042-2

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describe and advise how the public (specifically SDCAS) can be involved in the subsequent phases of environmental review for the project. B0042-2 cont.

While potential routes of various widths were surveyed to varying degrees, it is not clear to what degree access routes and staging areas were surveyed. Clarification, and potentially additional surveying, is required. B0042-3

Aerial photographs of the western two-thirds or so of San Diego County were taken by the County Tax Assessor in 1928-29, and are available at the County's Department of Planning and Land Use. Were these and/or other aerial photographs reviewed to help identify locations that might contain historic resources? If not, why not? And will the omission be corrected prior to project approval? B0042-4

Have all sites located during the extensive fieldwork by the various consultants been recorded, or site records updated? If not, when will that be done? B0042-5

Have cultural landscapes been part of the studies conducted for the project? If not, why not? B0042-6

Table D.7-1 indicates some cultural resources impacts as being temporary. Please clarify the rationale for this. While the activities themselves may be temporary, wouldn't any resulting impacts (other than things like noise or visual impacts) be permanent? B0042-7

Regarding the mitigation measures in Table D.7-3, we have the following comments:

- The third bullet for CR-APM-4 states that "curation may be appropriate." In fact, with the BLM involvement, curation in accordance with 36CFR79 is **required**. Curation is also a requirement Section V of the Register of Professional Archaeologists' Code of Conduct, as well as of the City of San Diego and County of San Diego. The text of this measure needs to be revised to require curation in accordance with the requirements of 36CFR79 and the State Historic Resource Commission's *Guidelines for the Curation of Archaeological Collections*, dated May 7, 1993. B0042-8
- Mitigation Measure CR-APM-11 states that "SDG&E would implement its standard practices for cultural and paleontological resources on private lands." As those "standard practices" are being cited as a mitigation measure for the SRPL, they must be publicly disclosed and an opportunity for public review and comment must be provided. How else are we to judge their adequacy? We request being provided a copy, and an opportunity to comment as part of the public review of this DEIR/DEIS. This is a clear deficiency in the DEIR/DEIS, and may also exist in other subject areas, where SDG&E has its own standard practices. While we know what practices (in all subject areas) the City of San Diego and the County of San Diego expect and require, SDG&E's are not nearly as well known.
- All material recovered during all of the fieldwork conducted to date for the project must also be curated, regardless of whether the project ultimately goes forward. Please confirm that this has been or will be done. B0042-9

Regarding selection of project alternatives, the order of environmental preference described in the DEIR/DEIS appears to also be consistent with the order of desirability from the perspective of potential impacts to cultural resources. Clearly, the local generation alternatives, by virtue of avoiding over 100 miles of corridors, will inevitably impact fewer sites of all types than either B0042-10

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the applicant's preferred route or the southern routes. Likewise, the southern routes, being appreciably shorter than the northern route, would likely to impact fewer sites of all types. Furthermore, the sites impacted along the northern route, particularly the segments through the Anza-Borrego Desert State Park (ABDSP), hold an unusually high degree of integrity in both the settings and the sites themselves. Consequently, from the perspective of cultural resources, the applicant's preferred route is very apparently the least desirable of all the alternatives studied.

We appreciate the opportunity to review this project's environmental documents and request being included in subsequent environmental reviews related to the project.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: SDCAS President  
File

B0042-10 cont.

## Responses to Comment Set B0042

### San Diego County Archaeological Society, Inc.

B0042-1 It is noted that complete inventories of all cultural resources, and specifically archaeological sites, were not conducted for the EIR/EIS analysis of the Proposed Project or the alternatives, which numbered in excess of 100. Likewise, studies required to evaluate the National Register of Historic Places and California Register of Historic Resources eligibility were not completed for the EIR/EIS analysis. As the Archaeological Society is aware, adequate study to determine eligibility for these registers is generally a destructive process, with subsurface excavations required to assess site contents, age, variability, and integrity. For the EIR/EIS, intended to fulfill requirements of CEQA and NEPA, sufficient cultural resources studies were conducted to compare the relative impacts of the Proposed Project to numerous alternatives, and to fully disclose the severity of impacts to cultural resources to the public and decision-makers. Proceeding with subsurface testing to evaluate the register eligibility of all resources on all alternatives (most of which will never be impacted) would have been professionally indefensible, and legally unnecessary. Rather, a random-stratified sample was chosen to characterize the site types and densities that could be expected to occur in each link of the Proposed Project and along each alternative.

This EIR/EIS discloses the types and densities of resources that can be expected in each Link and alternative. Ultimately, however, potential impacts are only, in part, contingent on the types and numbers of resources in the project corridor. More important is whether the project will actually impact those sites, and if so, how successful mitigation of those impacts will be. The EIR/EIS does provide detailed Mitigation Measures in Section D.7.9 that will ensure identification of all potentially eligible historic properties prior to construction. Those measures also ensure that impacts to historic properties will be avoided by project design and re-engineering if operationally feasible, *regardless of cost*. These mitigation measures would be applied and enforced equally on any alignment that is chosen as a build alternative. For this reason, the EIR/EIS analysis of comparisons gave more weight to unavoidable impacts (such as large, complex sites that could not be spanned), partially unmitigable impacts, such as direct or visual intrusion at Traditional Cultural Properties, and unmitigable adverse effects to human remains. Therefore, distinctions among the less complex, and generally smaller sites (e.g., bedrock milling, lithic scatters, roasting pits, etc.) were not critical to the conclusions.

B0042-2 As noted on page D.7-15 of the Draft EIR/EIS, when a project is selected, the lead federal agency (likely the BLM or U.S. Forest Service) will be required to complete Section 106 consultation under the National Historic Preservation Act. As lead federal agency for the NEPA process, the BLM has notified the SHPO that identification and evaluation of potential historic properties, and assessment of effects would be conducted using the phasing provided for in 36 CFR 800.4(b)(2) and 800.5(a)(3). At such time as an undertaking is defined, the lead federal agency will be consulting with all parties with demonstrated legal, economic, or preservation interests in the project. The SDCAS can request that they be included as participants by contacting the lead federal agency.

B0042-3 During the archaeological surveys, access routes and staging areas were generally inspected only when they fell within the sample survey corridor that had been selected and defined for the EIR/EIS analysis. The SDCAS correctly points out that all access roads, staging areas, and any other project components that could have an impact on historic properties

would require intensive survey prior to construction. This is provided for in Mitigation Measure C-1a, as is completion of the Section 106 process, including a definition of the Area of Potential Effect. The text of Mitigation Measure C-1a (Inventory and evaluate cultural resources in Final APE) can be found in Appendix 12 of the Draft EIR/EIS.

B0042-4 Under the conditions of Mitigation Measure C-6a, if a project is selected that includes alternatives in western San Diego County, the aerial photographs taken by the County Tax Assessor in 1928-29 will be reviewed to assist in identification of any additional historic structures; however, this comment does not discuss any sites which were not adequately considered in the Draft EIR/EIS. The 1928-29 aerial photographs were not employed for comparison of the alternatives because similar resources were not available for alternatives in other counties or portions of San Diego County. The text of Mitigation Measure C-6a (Reduce adverse visual intrusions to historic built environment properties) can be found in Appendix 12 of the Draft EIR/EIS.

Additionally, Impact C-3 of the Draft EIR/EIS discusses impacts associated with unknown cultural resources. Mitigation Measures C-1c, C-1d, C-1f, C-2a, and C-3a have been imposed to help mitigate this impact.

Please also see revisions made in the RDEIR/SDEIS regarding new significant and unmitigable impacts to human remains (RDEIR/SDEIS "Other Modifications to the Draft EIR/EIS," Section 4.1.1). Additionally, the RDEIR/SDEIS discusses mitigation measure reroutes which would reduce impacts to cultural resources. (Recirculated Draft EIR/Supplemental Draft EIS, "Revisions to Proposed and Alternative Transmission Line Routes," Section 3.2.2.)

B0042-5 All archaeological sites discovered during the intensive surveys conducted for the EIR/EIS were fully documented on Department of Parks and Recreation forms. Site records were also updated for sites that were revisited, or for sites that could not be found in their original recorded location. Site records, along with survey reports (one for the Proposed Project links, and a separate report for the alternative routes) have been submitted to the BLM for review. Site records will be available to qualified researchers at appropriate information centers of the California Historical Resources Information System (CHRIS).

B0042-6 Cultural landscapes were considered in the inventory of potential historic properties for the EIR/EIS. When evaluating impacts to historic structures (see Mitigation Measure C-6a, in Response to Comment B0042-4, above), the qualities and integrity of the surrounding landscape was evaluated. As well, Native American testimony was provided about several historic landscapes. Cultural landscapes will continue to be considered as Section 106 consultation is completed for any selected project.

B0042-7 As indicated in Table D.7-1, pulling and splicing stations and staging areas are considered to have potential for creating impacts to cultural resources temporarily. Because there is more flexibility for siting these temporary construction activities than there is for permanent structures and facilities, direct impacts to cultural resources can usually be avoided. Any noise or visual impacts created by these activities are considered temporary because of the temporary nature of the construction.

B0042-8 Table D.7-3 is *not* a list of mitigation measures; these are Applicant Proposed Measures (APMs) that would become mandatory parts of the project description if a project is built. These are commitments that the Applicant made as part of the project description and

cannot be altered. In many cases, these APMs are not strict enough or comprehensive enough to ensure that potential impacts will be reduced to a level that is less than significant. Therefore, the EIR/EIS has developed a set of very detailed and comprehensive Mitigation Measures that would supersede SDG&E's APMs. The mitigation measures for cultural resources will ensure that SDG&E's normal practices for conducting cultural resources management will not prevail for this project.

Regarding curation, specifically, a part of Mitigation Measure C-1c, Develop and Implement Historic Properties Treatment Plan, addresses the disposition of artifacts, documents, and other data, as follows:

The HPTP shall include provisions for analysis of data in a regional context, reporting of results within one year of completion of field studies, curation of artifacts (except from private land) and data (maps, field notes, archival materials, recordings, reports, photographs, and analysts' data) at a facility that is approved by BLM, and dissemination of reports to local and State repositories, libraries, and interested professionals. The BLM will retain ownership of artifacts collected from BLM managed lands. The Applicant shall attempt to gain permission for artifacts from privately held land to be curated with the other project collections. The HPTP shall specify that archaeologists and other discipline specialists conducting the studies meet the Secretary's Standards (per 36 CFR 61).

B0042-9 All archaeological surveys conducted for the EIR/EIS to date have been non-collection surveys. Therefore, curation of artifacts is irrelevant. Survey reports, maps, and site records for studies, to date, will be on file at the appropriate CHRIS information centers.

B0042-10 The SDCAS concurs with the findings of the EIR/EIS with respect to potential for impacts to cultural resources, as quoted from the commenter's letter dated 8 April 2008, below:

Clearly, the local generation alternatives, by virtue of avoiding over 100 miles of corridors, will inevitably impact fewer sites of all types than either the Applicant's preferred route or the southern routes. Likewise, the southern routes, being appreciably shorter than the northern route, would likely impact fewer sites of all types. Furthermore, the sites impacted along the northern route, particularly the segments through the Anza-Borrego Desert State Park (ABDSP), hold an unusually high degree of integrity in both the setting and the sites themselves. Consequently, from the perspective of cultural resources, the Applicant's preferred route is very apparently the least desirable of all the alternatives studied.