



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

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March 29, 2023

Reply In Reference To: NPS_2022_0902_001

VIA ELECTRONIC MAIL

Katherine Vallaire - Land and Water - Senior Environmental Planner
California Department of Parks and Recreation, Office of Grants and Local Services
1416 9th Street, Room 918
Sacramento, CA 95814-5500

RE: Section 106 consultation for RL-37-003, Beyer Park Development Project, City of San Diego, San Diego County

Dear Ms. Vallaire:

The State Historic Preservation Officer (SHPO) received California State Parks, Office of Grants and Local Services (OGALS) letter report of 23 February 2023 continuing consultation on the above referenced undertaking pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). On behalf of National Park Service - Land and Water Conservation Fund (NPS-LWCF), OGALS requests SHPO's comments "*on the revisions to our delineation of the project's Area of Potential Effect (APE)*" and "*on our level of effort to identify historic properties in the undertaking's APE*", and SHPO's "*concurrence on our finding of 'No Historic Properties Affected'*."

OGALS was provided SHPO comments on a 32.6-acre APE in a 6 September 2022 letter. As described in the 1 September 2022 submission that initiated Section 106 consultation, the APE "*is currently designated park and open space per the San Ysidro Community Plan.*" Per the current submission, the APE was expanded to 34.7-acres as, subsequent to the initial consultation, "*it became necessary to expand the northern portion of the APE to include the entire boundaries of (three) archaeological resources (P-37-010206, P-37-037597, and BP-ICF-8) intersecting the APE.*"

The APE was depicted in a "*Revised Area of Potential Effects Map*" that was attached to the following technical report that was prepared by the Applicant (City of San Diego) and submitted by OGALS as evidence of completing CHRIS and Native American Heritage Commission (NAHC) Record searches, consultation with NAHC identified contacts, field-survey, and National Register evaluations:

- *Cultural Resources Technical Report for the Beyer Park Development Project, City of San Diego, San Diego County, CA, WBS No. S-00752.02.02 (ICF 2023)*

Consultation with the NAHC returned a negative result for Native American resources. As described in the Applicant's report, consultation with NAHC identified contacts resulted in requests for monitoring from the Campo Band of Diegueno Mission Indians and the Viejas Band of Kumeyaay Indians. Per the submission, "*as a result of consultation, the City has agreed to archaeological and Kumeyaay Native American monitoring of construction-related ground disturbance within the Project APE.*"

The CHRIS record search and field-survey resulted in the identification of five previously recorded prehistoric sites and eight newly recorded isolated finds in the APE. The previously recorded sites consist of the following:

- P-37-010206 Sparse lithic scatter (updated to include P-37-037599)
- P-37-010614 Sparse lithic scatter (updated to include P-37-037602 and BAA-5)
- P-37-037597 Sparse lithic scatter (no archaeological evidence found)
- BAA-4 Sparse lithic scatter (no archaeological evidence found)
- BAA-6 Sparse shell scatter (no archaeological evidence found)

The **P-37-010206** boundary was redrawn in a site record update to include a previously recorded isolate identified as P-37-037599 (core). Per the Applicant's report, and as understood, a combination of efforts that included previous archaeological testing and field-survey completed for the proposed undertaking determined the site to be a low-density surface (less than three artifacts per square-meter) and near-surface (20.0-centimeter) scatter of artifacts with an archaeological sample lacking temporally diagnostic attributes (artifacts and features) and dominated by flakes and cores of locally obtained stone.

The **P-37-010614** boundary was also redrawn to include two previously recorded isolates identified as P-37-037602 (flake and core) and BAA-5 (flake scatter). As understood, the area originally defined as the site was determined to contain naturally occurring spalls erroneously described as a "*quarry.*" As also understood, the site was redefined as an area to the immediate northeast and adjacent a metavolcanic rock outcrop located between opposing knolls. Per the Applicant's report, "*on the northern knoll, there are many artifacts that are distinctly cultural, in particular flakes that exhibit platforms and bulbs.*" With the exception of one "*possible granitic mano fragment*", the archaeological sample was described as containing less than three artifacts per square-meter and consisting mostly of temporally non-diagnostic and locally obtained flaked-stone artifacts.

Per the Applicant's report, prior to current Section 106 work **P-37-037597** and **BAA-4** were recorded as sparse lithic scatters with surface samples of six and three flakes respectively. The former also was noted as containing two "*possible rock features.*" As described, no archaeological evidence of either site was found at their recorded locations during field-survey of the proposed undertaking. As understood, P-37-037597 had been tested prior to the current Section 106 effort and found exhibiting a shallow depositional environment and a small and limited sample of subsurface artifacts. As also understood,

due to a comparable physical location, BAA-4 was determined likely to exhibit a similar depositional environment and low potential for subsurface deposits.

BAA-6, as described in the Applicant's report, consists of a small scatter of shell with a single metavolcanic flake. As with the sites discussed above, no archaeological evidence of BAA-6 was found at its recorded location during field-survey of the proposed undertaking. Per the Applicant's report, the shell itself may not necessarily have been an indicator of prehistoric activity when taking into consideration historic uses of the mesa.

Per the Applicant's report, Otay Mesa has been the subject of numerous archaeological investigations with such work identifying high frequencies of prehistoric sites disturbed by a century of agriculture and largely comprised of temporally indiscernible cobble cores, expedient tools and debitage. As understood, for determining potential eligibility, a research design that contained a range of themes (with data requirements) topical to Otay Mesa was applied to prehistoric information obtained from past archaeological studies and the proposed undertaking at the aforementioned sites.

The following SHPO comments are based on a review of submitted materials:

1. Pursuant to 36 CFR Part 800.4(a)(1), I have no additional comments on the delineation of the expanded (34.7-acre) APE.
2. Pursuant to 36 CFR Part 800.4(c)(1) and 800.4(c)(2), I **concur** with determinations of not eligible for P-37-010206, P-37-010614, P-37-037597, BAA-4 and BAA-6. As they were described, the isolates identified in the APE did not appear to rise to the level of being potentially eligible historic properties subject to the Criteria for Evaluation found at 36 CFR 60.4.
3. Pursuant to 36 CFR Part 800.4(b)(1), OGALS has documented a reasonable and good faith effort to identify and evaluate historic properties in the APE.
4. Pursuant to 36 CFR Part 800.4(d)(1), I **concur** with the finding of "*No historic properties affected.*"
5. Per the results of Native American consultation, the Campo Band of Diegueno Mission Indians and the Viejas Band of Kumeyaay Indians requested Native American monitoring. Please discuss details of this work with both Tribes prior to project implementation.
6. Be aware that consultation with my office on the potential of any inadvertent discovery of a cultural resource during project implementation being a historic property should comply with 36 CFR Part 800.11 and 800.13 for "*Documentation standards*" and "*Post Review Discoveries.*"
7. The NPS-LWCF applicant may want to consider retaining the materials that were prepared for this consultation as, though they cannot be submitted as evidence of Section 106 work having been completed for future undertakings, they could be used as research and support materials.

You may have additional Section 106 responsibilities under conditions such as changes in the project scope and design or in the acquisition of additional information from Native

Katherine Vallaire
March 29, 2023
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American Tribes. Please direct questions to Jeff Brooke, Associate State Archaeologist, at (916) 445-7003 or Jeff.Brooke@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal stroke extending to the right.

Julianne Polanco
State Historic Preservation Officer



United States Department of the Interior

NATIONAL PARK SERVICE

12795 W. Alameda Parkway

Lakewood, CO 80228

IN REPLY REFER TO:
670.1.3.B (MWR-LCPP/G)
(via email)

July 21, 2023

Ms. Julianne Polanco
State Historic Preservation Officer
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100
www.ohp.parks.ca.gov

Dear Ms. Polanco:

We are in receipt of the March 29, 2023, Reference: NPS_2022_0902_001, letter from your office to Ms. Katherine Vallaire, California Department of Parks and Recreation, Office of Grants and Local Services, regarding your agency's analysis of cultural resources that may be affected by the proposed project at Beyer Park with assistance from the Land and Water Conservation Fund Program, 06-01870.

In addition to the Office of Historic Preservation review, the NPS has notified Tribal Historic Preservation offices and tribal governments affiliated with the project area to seek input on any potential impacts to areas with cultural or religious significance to those tribes. Nineteen tribes were contacted with the following four tribal responses, three of which request onsite monitoring.

1. The NPS emailed an official invitation to consult letter to the San Pasqual Band of Mission Indians along with supplemental project documents on January 12, 2023. The NPS and the tribe participated in a consultation call on February 23, 2023, in which the tribe requested that a tribal monitor from their tribe be on site during ground disturbing activities. An onsite visit of Beyer Park followed on April 25, 2023, with Tribal, State Parks, City of San Diego and NPS representatives participating.
2. The NPS emailed an official invitation to consult letter to the Viejas Band of Kumeyaay Indians along with supplemental project documents on February 14, 2023. The tribe requested more information on February 14, 2023, and that information was emailed on February 15, 2023. The tribe then replied on February 15, 2023, stating that after review of the proposed project, it was determined that "the project site has cultural significance or ties to Viejas. Cultural resources have been located within or adjacent to the APE-DE of the proposed project. The Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities and to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains." The NPS has confirmed that the City of San Diego will have a Native American monitor with Kumeyaay affiliation on site during the ground disturbing activities.
3. On November 1, 2022, the Campo Band of Diegueno Mission Indians had a consultation meeting with Mr. Daniel Tsosie, Ms. Medel and Ms. Karen Crawford, Cultural Resources Lead with the ICR organization attending. Mr. Tsosie confirmed the Campo Band is a

Kumeyaay tribe and agreed to accept the City's standard qualifications for the Native American monitor to have Kumeyaay affiliation; expressed interest in providing Native American monitors; and, requested to be informed of any findings. The City of San Diego will have a Native American monitor with Kumeyaay affiliation on site during the ground disturbing activities. The NPS emailed an official invitation to consult letter to the tribe along with supplemental project documents on February 14, 2023, to inquire if the tribe needed any further information or consultation efforts. No response has been received from the tribe to date.

4. The NPS emailed an official invitation to consult letter to the Rincon Band of Luiseno Indians along with supplemental project documents on February 3, 2023. In an email of February 24, 2023, the tribe stated that "the location identified within project documents is not within the Band's specific Area of Historic Interest (AHI). At this time, we have no additional information to provide. We recommend that you directly contact a tribe that is closer to the project and may have pertinent information."

The NPS has considered the analysis and input from your office and the affiliated tribal governments consulted on this project. In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and as set forth in the Advisory Council on Historic Preservation rules (36 CFR 800.2(a)(4)), the NPS has made the determination of No Historic Properties Affected for this undertaking with tribal monitoring during ground disturbing activities.

The NPS includes in every agreement document the following condition:

54 U.S.C. part 300101 The National Historic Preservation Act of 1966, and the Advisory Council on Historic Preservation Guidelines - Projects involving construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with 36 C.F.R. part 800 that requires the DOI to consider the effects of projects offered or awarded funding on historic properties and, when applicable, to provide the Advisory Council on Historic Preservation an opportunity to comment on such projects.

This includes adherence to the post-review unanticipated discovery provisions of 36 C.F.R. §800.13(b)(3) which includes the agency official notifying the SHPO/THPO, any tribe or Native Hawaiian organization of any historic properties uncovered within 48 hours of discovery.

We appreciate your assistance and your recommendations regarding this project. Any questions you have may be directed to me at donna_fontes@nps.gov.

Sincerely,

Donna Fontes

Donna Fontes
Grant Management and Awarding Officer
State and Local Assistance Programs

cc: Ms. Natalie Bee, Natalie.Bee@parks.ca.gov
Ms. Katherine Vallaire, Katherine.Vallaire@parks.ca.gov