

**Cultural Resources Inventory Report
for the
2020 SeaWorld Master Plan Update,
City of San Diego, San Diego County, California
Dudek Project No. 11679**

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
APE	area of potential effect
BP	before present
CEQA	California Environmental Quality Act
City	City of San Diego
CRHR	California Register of Historical Resources
MLD	most likely descendant
NAHC	Native American Heritage Commission
SCIC	South Coastal Information Center
SDMC	San Diego Municipal Code
SeaWorld	SeaWorld San Diego

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Management Summary

The 2020 SeaWorld Master Plan Update (2020 Master Plan or proposed project) is a comprehensive update and revision to the 2002 SeaWorld Master Plan Update (2002 Master Plan Update). As with the 2002 Master Plan Update, the proposed project sets forth the long-range conceptual development program, development parameters, and project review procedures for future renovation of the SeaWorld San Diego (SeaWorld) leasehold area. This cultural resources inventory has been prepared to provide information regarding applicable regulations and existing conditions related to the area of potential effect (APE), as well as to assess whether the proposed project would result in any potentially significant impacts beyond those already identified in the 2001 SeaWorld Master Plan Update Environmental Impact Report (2001 SeaWorld EIR) (City of San Diego 2001a) prepared for the 2002 Master Plan Update (LDR No. 99-0618). The City of San Diego (City) is the lead agency and this report has been prepared in accordance with the City's Historical Resources Guidelines.

The proposed project area is located in Mission Bay Park, which is bounded by Interstate 5 on the east, the Pacific Ocean on the west, Interstate 8 and the San Diego River Floodway on the south, and Grand Avenue on the north (Figure 1, Regional Map). The APE is located within Township 16S, Range 3W on the La Jolla, California U.S. Geological Survey quadrangle. The proposed project's APE includes the footprint of the SeaWorld leasehold area (Figure 2, Area of Potential Effect Map). The SeaWorld leasehold is highly developed and most of the ground surface is covered by buildings, concrete, and landscaping. For this reason and because the entire project area was recently surveyed (BCR Consulting 2016), a pedestrian survey was deemed unnecessary for this inventory.

This analysis included a records search of data obtained from the South Coastal Information Center at San Diego State University. The search identified 35 cultural resources within 1 mile of the APE, none of which are located within the APE. The records search also revealed that 94 archaeological studies have been previously conducted within 1 mile of the APE, 4 of which cover portions of the APE. One of these studies included a pedestrian survey of the entire proposed project APE (BCR Consulting 2016). As it was conducted recently and the results were negative, the current study does not include a pedestrian survey.

Dudek requested a search of the Native American Heritage Commission (NAHC) Sacred Lands File for the proposed project APE on January 6, 2020 (Appendix C, NAHC Search Results and Native American Correspondence). The NAHC responded on January 15, 2020, indicating that the search was positive. The NAHC recommended that Dudek contact the Viejas Band of Kumeyaay Indians. The NAHC response letter also included a list of Native American group representatives whom should be contacted for information about these sites. On January 17, 2020, Dudek sent letters via certified mail to all 19 Native American representatives listed by the NAHC, including Viejas Band. Dudek has received responses from Viejas Band of Kumeyaay Indians and San Pasqual Band of Mission Indians. Neither Band indicated the presence of known resources within the Project APE.

A review of available topographic maps and aerial photographs provide information concerning the cultural resources sensitivity of the proposed project APE. The maps and photographs show that the northernmost portion of the APE was covered by bay water while the rest of the APE was comprised of wetlands. The construction of the current Mission Bay topography and the introduction of dredged and imported soils into the proposed project APE likely destroyed any surficial cultural resources. However, San Diego coastline has undergone extensive changes and many places that have been historically known to be underwater may not have been in the past. Any such submerged areas along San Diego's coastline are considered to have higher sensitivity with regard to the potential for older archaeological deposits. It is possible that implementation of the proposed project may impact deeply buried intact cultural resources.

The cultural sensitivity of the proposed project APE is low to moderate and it is possible that deep excavation will impact archaeological and/or tribal cultural resources. Consultation between the City and local tribal representatives is ongoing, the results of which will further inform the need for cultural monitoring.

1 Project Description and Location

The 2020 SeaWorld Master Plan Update (2020 Master Plan or proposed project) is a comprehensive update and revision to the 2002 SeaWorld Master Plan Update (2002 Master Plan Update). As with the 2002 Master Plan Update, the proposed project sets forth the long-range conceptual development program, development parameters, and project review procedures for future renovation of the SeaWorld San Diego (SeaWorld) leasehold area. This cultural resources inventory has been conducted to assess whether the proposed project would result in any potentially significant impacts. The City of San Diego (City) is the lead agency and this report has been prepared in accordance with the City's Historical Resources Guidelines.

The proposed project area is located in Mission Bay Park, within the city limits of the City (Figure 1, Regional Map). The boundaries of Mission Bay Park are Interstate 5 on the east, the Pacific Ocean on the west, Interstate 8 and the San Diego River Floodway on the south, and Grand Avenue on the north. The proposed project's area of potential effect (APE) is located within Township 16S, Range 3W on the La Jolla, California U.S. Geological Survey quadrangle. The APE includes the footprint of the SeaWorld leasehold area (Figure 2, Area of Potential Effect Map). The SeaWorld leasehold is highly developed and most of the ground surface is covered by buildings, concrete, and landscaping. For this reason and because the entire project area was recently surveyed (BCR Consulting 2016), a pedestrian survey was deemed unnecessary for this inventory.

This report documents the results of the records search, Native American Heritage Commission (NAHC) search of the Sacred Lands File, Native American correspondences, historical aerial photograph review, and potential cultural resources impacts. The goal of this inventory is to provide data to SeaWorld and the City to aid in their management of cultural resources during implementation of the proposed project.

1.1 Regulatory Context

The proposed project is subject to state and local regulations regarding cultural resources. The following subsections provide a summary of the applicable regulations, policies, and guidelines relating to the proper management of cultural resources for the proposed project.

1.1.1 California Register of Historical Resources (California Public Resources Code Section 5020 et seq.)

In California, the term "cultural 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 the California Register of Historical Resources (CRHR) "to be used by state and local agencies, private groups, and citizens to identify the state's cultural 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 Cultural Resources Commission determines that it is a significant resource and that it meets any of the following National Register of Historic Places criteria (California Public Resources Code Section 5024.1[c]):

1. Associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

2. Associated with the lives of persons important in our past.
3. 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.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

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 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 National Register of Historic Places, and properties listed or formally designated as eligible for listing on the National Register of Historic Places 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 cultural resource surveys. The State Historic Preservation Officer maintains the CRHR.

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

The Native American Historic Resources Protection Act (Public Resources Code Section 5097, et seq.) 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 NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resources Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

1.1.3 California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (CAL-NAGPRA), enacted in 2001, requires 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 CAL-NAGPRA also provides a process for the identification and repatriation of these items to the culturally affiliated tribes.

1.1.4 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. California 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 (California Health and Safety Code 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 (California Health and Safety Code Section 7050.5c). The NAHC will notify the most likely descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

1.1.5 California Environmental Quality Act

As described further below, the following California Environmental Quality Act (CEQA) statutes and CEQA Guidelines are relevant to the analysis of historic, archaeological, and tribal cultural 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 cultural resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change” in the significance of a cultural resource. It also defines the circumstances when a project would materially impair the significance of a cultural resource.
3. California Public Resources Code Section 21074 (a) defines “tribal cultural resources” and Section 21074(b) defines a “cultural landscape.”
4. 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.
5. 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; identify preservation in place as the preferred manner of mitigating impacts to significant archaeological sites.

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 [sic] cultural resource” (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5[b]). A “cultural resource” is any site listed or eligible for listing in the CRHR. The CRHR listing criteria are intended to examine whether the resource in question: (a) is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (b) is associated with the lives of persons important in our past; (c) 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; or (d) has yielded, or may be likely to yield, information important in pre-history or history.

The term “cultural resource” also includes any site described in a local register of historic resources, or identified as significant in a cultural resources survey (meeting the requirements of California Public Resources Code Section 5024.1[q]).

CEQA also applies to “unique archaeological resources.” California Public Resources Code Section 21083.2(g) defines a “unique archaeological resource” as any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

CEQA was amended in 2014 through Assembly Bill 52, which created a new category of “tribal culture resources” that must be considered under CEQA, and applies to all projects that file a notice of preparation or notice of negative declaration or mitigated negative declaration on or after July 1, 2015. Assembly Bill 52 requires lead agencies to provide notice to and begin consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of a project if that tribe has requested, in writing, to be kept informed of projects by the lead agency prior to the determination whether a negative declaration, mitigated negative declaration, or environmental impact report will be prepared. If a tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. The bill also specifies mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources. Specifically, California Public Resources Code Section 21074 provides the following guidance:

- (a) Tribal Cultural Resources are either of the following:
 - (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Cultural Resources.
 - (B) Included in a local register of cultural resources as defined in subdivision (k) of Section 5020.1.
 - (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

All cultural resources and unique archaeological resources, as defined by statute, are presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code Section 21084.1; 14 CCR 15064.5[a]). The lead agency is not precluded from determining that a resource is a cultural resource even if it does not fall within this presumption (California Public Resources Code Section 21084.1; 14 CCR 15064.5[a]). A site or resource that does not meet the definition of “cultural resource” or “unique archaeological resource” is not considered significant under CEQA and need not be analyzed further (California Public Resources Code Section 21083.2[a]; 14 CCR 15064.5[c][4]).

Under CEQA and significant cultural impact results from a “substantial adverse change in the significance of an [sic] cultural resource [including a unique archaeological resource]” due to the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a cultural resource would be materially impaired” (14 CCR 15064.5[b][1]; California Public Resources Code Section 5020.1[q]). In turn, according to 14 CCR 15064.5(b)(2), the significance of a cultural resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an cultural 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 cultural resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an cultural 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 cultural 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.

Pursuant to these sections, CEQA first evaluates evaluating whether a project site contains any “cultural resources,” then assesses whether that project will cause a substantial adverse change in the significance of a cultural resource such that the resource’s historical significance is materially impaired.

When a project significantly affects a unique archaeological resource, CEQA imposes special mitigation requirements. Specifically, California Public Resources Code Sections 21083.2(b)(1)–21083.2(b)(4) states:

[i]f it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

1. Planning construction to avoid archaeological sites.
2. Deeding archaeological sites into permanent conservation easements.
3. Capping or covering archaeological sites with a layer of soil before building on the sites.
4. Planning parks, greenspace, or other open space to incorporate archaeological sites.

If preservation in place is not feasible, mitigation may be accomplished through data recovery (California Public Resources Code Section 21083.2[d]; 14 CCR 15126.4[b][3][C]). California Public Resources Code Section 21083.2(d) states that “[e]xcavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.”

These same requirements are set forth in slightly greater detail in CEQA Guidelines Section 15126.4(b)(3), as follows:

- A. Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
- B. Preservation in place may be accomplished by, but is not limited to, the following:
 1. Planning construction to avoid archaeological sites;
 2. Incorporation of sites within parks, greenspace, or other open space;
 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site[; and]
 4. Deeding the site into a permanent conservation easement.
- C. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the cultural resource, shall be prepared and adopted prior to any excavation being undertaken.

Note that, when conducting data recovery, “[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.” (14 CCR 15126.4[b][3]) However, “[d]ata recovery shall not be required for an cultural resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historic resource, provided that determination is documented in the EIR and that the studies are deposited with the California Cultural Resources Regional Information Center” (14 CCR 15126.4[b][3][D]).

Finally, CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are set forth in California Public Resources Code Section 5097.98.

1.1.6 City of San Diego Significance Determination Thresholds

As lead agency, the City implements its CEQA Significance Determination Thresholds (City of San Diego 2016) to assess whether a proposed project may have a significant effect on the environment. Included in this document are the Initial Study Checklist Questions and Significance Thresholds.

Initial Study Checklist Questions

1. Would the proposed project result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?
2. Would the proposed project result in any impact to existing religious or sacred uses within the potential impact area?
3. Would the proposed project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

Significance Thresholds

Federal, state, and local criteria have been established for the determination of historical resource significance. The Historical Resources Regulations of the Land Development Code pertain only to historical resources that meet the definitions contained in Chapter 11, Article 3, Division 1 of the code and may differ from the definition of historical resources in these guidelines and from a determination of significance under CEQA.

1.1.7 City of San Diego Historical Resource Regulations

The City's Historical Resources Regulations (San Diego Municipal Code [SDMC] Chapter 14, Article 3, Division 2) were adopted in January 2000, and provide a balance between sound historic preservation principles and the rights of private property owners (City of San Diego 2018). The regulations have been developed to implement applicable local, state, and federal policies and mandates. Included in these are the City's General Plan, CEQA, and Section 106 of the National Historic Preservation Act of 1966. Historical resources, in the context of the City's regulations, include site improvements, buildings, structures, historic districts, signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City. These include structures, buildings, archaeological sites, objects, districts, or landscapes having physical evidence of human activities. These resources are usually over 45 years old and they may have been altered or still be in use.

Compliance with the City's Historical Resources Regulations begins with the determination of the need for a site-specific survey for a project. Pursuant to SDMC Section 143.0212(a), a historic property (built-environment) survey can be required for any parcel containing a structure that is over 45 years old and appears to have integrity of setting, design, materials, workmanship, feeling, and association. SDMC Section 143.0212(b) requires that historical resource sensitivity maps be used to identify properties in the City that have a probability of containing historic or pre-historic archaeological sites. These maps are based on records of the California Historical Resources Information System maintained by the South Coastal Information Center (SCIC) at San Diego State University, archival research from the San Diego Museum of Man, and site-specific information in the City's files. If records show an archaeological site exists on or immediately adjacent to a subject property, the City would require a survey. In general, archaeological surveys are required when a proposed development is on a previously undeveloped parcel, if a known resource is recorded on the parcel or within a 1-mile radius, or if a qualified consultant or knowledgeable City staff member recommends it. The determination for the need to conduct a site-specific survey must be made in 10 days for a construction permit (ministerial) or 30 days for a development permit (discretionary) pursuant to SDMC Section 143.0212(c).

SDMC Section 143.0212(d) states that if a property-specific survey is required, it shall be conducted according to the criteria included in the City's Historical Resources Guidelines. Using the survey results and other available applicable information, the City shall determine whether a historical resource exists, whether it is eligible for designation as a designated historical resource, and precisely where it is located.

The City of San Diego Historical Resources Guidelines

The City's Historical Resources Guidelines (City of San Diego 2001b) are incorporated in the San Diego Land Development Manual by reference. The Historical Resources Guidelines establish a development review process to review projects in the City. This process is composed of two aspects: the implementation of the Historical Resources Regulations and the determination of impacts and mitigation under CEQA. The Historical Resources Guidelines

provide property owners, the development community, consultants, and the general public with explicit guidelines for the management of historical resources located within the jurisdiction of the City. These guidelines are designed to implement the City's Historical Resources Regulations contained in the Land Development Code (SDMC Chapter 14, Division 3, Article 2) in compliance with applicable local, state and federal policies and mandates, including, but not limited to, the City's General Plan, CEQA, and Section 106 of the National Historic Preservation Act of 1966. The intent of the guidelines is to ensure consistency in the management of the City's historical resources, including identification, evaluation, preservation/mitigation, and development.

The City's Historical Resources Guidelines (City of San Diego 2001b) observe that:

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register. "Historical resource" means site improvements, buildings, structures, historic districts, signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City. They include buildings, structures, objects, archaeological sites, districts or landscapes possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used. Historical resources also include traditional cultural properties. The following definitions are based, for the most part, on California's Office of Historic Preservation's (OHP) Instructions for Recording Historical Resources and are used to categorize different types of historical resources when they are recorded

The purpose and intent of the Historical Resources Regulation of the Land Development Code (City of San Diego 2018) is outlined as follows:

To protect, preserve and, where, damaged, restore the cultural resources of San Diego. The regulations apply to all development within the City of San Diego when cultural resources are present within the premises regardless of the requirement to obtain Neighborhood Development Permit or Site Development Permit.

The City of San Diego Draft General Plan Final Program Environmental Impact Report (City of San Diego 2008) states the following:

The Historical Resources Regulations require that designated cultural resources and traditional cultural properties be preserved unless deviation findings can be made by the decision maker as part of a discretionary permit. Minor alterations consistent with the U.S. Secretary of the Interior's Standards are exempt from the requirement to obtain a separate permit but must comply with the regulations and associated cultural resources guidelines. Limited development may encroach into important archaeological sites if adequate mitigation measures are provided as a condition of approval.

Historical Resources Guidelines, located in the Land Development Manual, provide property owners, the development community, consultants and the general public explicit guidance for the management of cultural resources located within the City's jurisdiction. These guidelines are designed to implement the cultural resources regulations and guide the development review process from the need for a survey and how impacts are assessed to available mitigation strategies and report requirements and include appropriate methodologies for treating cultural resources located in the City.

In general, the City's cultural resources regulations build on federal and state cultural resources laws and guidelines in an attempt to streamline the process of considering impacts to cultural resources within the City's jurisdiction, while maintaining that some resources not significant under federal or state law may be considered historical under the City's guidelines. In order to apply the criteria and determine the significance of potential project impacts to a cultural resource, the APE of the project must be defined for both direct impacts and indirect impacts. Indirect impacts can include increased public access to an archaeological site, or visual impairment of a historically significant view shed related to a historic building or structure.

1.2 Project Personnel

Matthew DeCarlo, MA, served as project manager and principal investigator and co-authored the technical report. Micah Hale, PhD, RPA co-authored the technical report. See Appendix A, Project Personnel Qualifications, for a summary of project personnel qualifications.

1.3 Report Structure

Following this introduction, a cultural and environmental context is provided for characterizing cultural resources. Next, research methods are reviewed. The results of the archival research are then presented followed by the management considerations. Two sets of appendices (confidential and non-confidential) are attached. The non-confidential appendices include Appendix A, Project Personnel Qualifications, and Appendix C, NAHC Search Results and Native American Correspondence. The confidential appendix is Appendix B, SCIC Records Search Documents.

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2 Setting

2.1 Natural Setting

The proposed project APE is covered by developed land including buildings, pavement, and landscaping. For detailed discussion relating to the environmental context of this area, please consult the biological and other technical studies prepared for the proposed project.

2.2 Cultural Setting

Evidence for continuous human occupation in the San Diego region spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad time frame have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions. Each of these reconstructions describes essentially similar trends in assemblage composition in more or less detail. This research employs a common set of generalized terms used to describe chronological trends in assemblage composition: Paleoindian (pre-5500 BC), Archaic (8000 BC–AD 500), Late Prehistoric (AD 500–1769), and Ethnohistoric (post-AD 1769). It is important to note that Native American aboriginal lifeways did not cease at European contact. Protohistoric refers to the chronological trend of continued Native American aboriginal lifeways at the cusp of the recorded historic period in the Americas.

The tribal cultural context spans all of the archaeologically-based chronologies further described below.

2.2.1 Tribal Cultural Context

The Kumeyaay (also known as the Iipay/Tipay) have roots that extend thousands of years in San Diego County and northern Baja California. The pre-contact cultural sequences are locally characterized by the material culture recovered during archaeological investigations as early as the 1920s, and through early accounts of Native American life in San Diego, recorded as a means to salvage scientific knowledge of native lifeways. The best information of Native American lifeways, however, comes from the Kumeyaay themselves, from the stories and songs passed down through the generations, in their own words. According to ethnographies based on interviews with local tribal elders, there are hundreds of words that describe a given landform, showing a close connection with nature. There are also stories associated with the land. The San Diego area in general, including Old Town, the San Diego River Valley, and the City as it existed as late as the 1920s, was known as qapai (meaning uncertain). According to Kumeyaay elder Jane Dumas, some native speakers referred to what is now Interstate 8 as oon-ya, meaning trail or road, describing one of the main routes linking the interior of San Diego with the coast. The Kumeyaay are the identified MLDs for all Native American human remains found in the City.

2.2.2 Paleoindian (pre-5500 BC)

Evidence for Paleoindian occupation in coastal Southern California is tenuous, especially considering that the oldest dated archaeological assemblages look nothing like the Paleoindian artifacts from the Great Basin. One of the earliest dated archaeological assemblages in coastal Southern California (excluding the Channel Islands) derives from P-37-004669, in La Jolla. A human burial from P-37-004669 was radiocarbon dated to 9,590–9,920 years

before present (BP) (95.4% probability) (Hector 2007). The burial is part of a larger site complex that contained more than 29 human burials associated with an assemblage that fits the Archaic profile (i.e., large amounts of groundstone, battered cobbles, and expedient flake tools). In contrast, typical Paleoindian assemblages include large stemmed projectile points, high proportions of formal lithic tools, bifacial lithic reduction strategies, and relatively small proportions of groundstone tools. Prime examples of this pattern are sites that were studied by Emma Lou Davis (1978) on China Lake Naval Air Weapons Station near Ridgecrest, California. These sites contained fluted and unfluted stemmed points and large numbers of formal flake tools (e.g., shaped scrapers, blades).

Turning back to coastal Southern California, the fact that some of the earliest dated assemblages are dominated by processing tools runs counter to traditional notions of mobile hunter-gatherers traversing the landscape for highly valued prey. Evidence for the latter—that is, typical Paleoindian assemblages—may have been located along the coastal margin at one time, prior to glacial desiccation and a rapid rise in sea level during the early Holocene (pre-7500 BP) that submerged as much as 1.8 kilometers (1.1 miles) of the San Diego coastline. If this were true, however, it would also be expected that such sites would be located on older landforms near the current coastline. Some sites, such as P-37-000210 along Agua Hedionda Lagoon, contained stemmed points similar in form to Silver Lake and Lake Mojave projectile points (pre-8000 BP) that are commonly found at sites in California's high desert (Basgall and Hall 1990). P-37-000210 yielded one corrected radiocarbon date of 8520–9520 BP (Warren et al. 2004). However, sites of this nature are extremely rare and cannot be separated from large numbers of milling tools that intermingle with old projectile point forms.

Warren et al. (2004) claimed that a biface manufacturing tradition present at the Harris site complex (P-37-000149) is representative of typical Paleoindian occupation in the San Diego region that possibly dates between 10,365 and 8200 BC (Warren et al. 2004, p. 26). Termed San Dieguito (Rogers 1945), assemblages at the Harris site are qualitatively distinct from most others in the San Diego region because the site has large numbers of finely made bifaces (including projectile points), formal flake tools, a biface reduction trajectory, and relatively small amounts of processing tools (Warren 1964, 1968). Despite the unique assemblage composition, the definition of San Dieguito as a separate cultural tradition is hotly debated. Gallegos (1987) suggested that the San Dieguito pattern is simply an inland manifestation of a broader economic pattern. Gallegos's interpretation of San Dieguito has been widely accepted in recent years, in part because of the difficulty in distinguishing San Dieguito components from other assemblage constituents. In other words, it is easier to ignore San Dieguito as a distinct socioeconomic pattern than it is to draw it out of mixed assemblages.

The large number of finished bifaces (i.e., projectile points and non-projectile blades), along with large numbers of formal flake tools at the Harris site complex, is very different than nearly all other assemblages throughout the San Diego region, regardless of age. Warren et al. (2004) made this point, tabulating basic assemblage constituents for key early Holocene sites. Producing finely made bifaces and formal flake tools implies that relatively large amounts of time were spent for tool manufacture. Such a strategy contrasts with the expedient flake-based tools and cobble-core reduction strategy that typifies non-San Dieguito Archaic sites. It can be inferred from the uniquely high degree of San Dieguito assemblage formality that the Harris site complex represents a distinct economic strategy from non-San Dieguito assemblages.

If San Dieguito truly represents a distinct socioeconomic strategy from the non-San Dieguito Archaic processing regime, its rarity implies that it was not only short-lived, but that it was not as economically successful as the Archaic strategy. Such a conclusion would fit with other trends in southern California deserts, wherein hunting-related tools are replaced by processing tools during the early Holocene (Basgall and Hall 1990).

2.2.3 Archaic (8000 BC–AD 500)

The more than 1,500-year overlap between the presumed age of Paleoindian occupations and the Archaic period highlights the difficulty in defining a cultural chronology in the San Diego region. If San Dieguito is the only recognized Paleoindian component in the San Diego region, then the dominance of hunting tools implies that it derives from Great Basin adaptive strategies and is not necessarily a local adaptation. Warren et al. (2004) admitted as much, citing strong desert connections with San Dieguito. Thus, the Archaic pattern is the earliest local socioeconomic adaptation in the San Diego region (Hale 2001, 2009).

The Archaic pattern is relatively easy to define with assemblages that consist primarily of processing tools: millingstones, handstones, battered cobbles, heavy crude scrapers, incipient flake-based tools, and cobble-core reduction. These assemblages occur in all environments across the San Diego region, with little variability in tool composition. Low assemblage variability over time and space among Archaic sites has been equated with cultural conservatism (Byrd and Reddy 2002; Warren 1968; Warren et al. 2004). Despite enormous amounts of archaeological work at Archaic sites, little change in assemblage composition occurs until the bow and arrow is adopted at around AD 500, as well as ceramics at approximately the same time (Griset 1996; Hale 2009). Even then, assemblage formality remains low. After the bow is adopted, small arrow points appear in large quantities and already low amounts of formal flake tools are replaced by increasing amounts of expedient flake tools. Similarly, shaped millingstones and handstones decrease in proportion relative to expedient, unshaped groundstone tools (Hale 2009). Thus, the terminus of the Archaic period is equally hard to define as its beginning because basic assemblage constituents and patterns of manufacturing investment remain stable, complemented only by the addition of the bow and ceramics.

2.2.4 Late Prehistoric (AD 500–1769)

The period of time following the Archaic and prior to Ethnohistoric times (AD 1769) is commonly referred to as the Late Prehistoric (Rogers 1945; Wallace 1955; Warren et al. 2004). However, several other subdivisions continue to be used to describe various shifts in assemblage composition, including the addition of ceramics and cremation practices. In northern San Diego County, the post-AD 1450 period is called the San Luis Rey Complex (True 1980), while the same period in southern San Diego County is called the Cuyamaca Complex and is thought to extend from AD 500 until Ethnohistoric times (Meighan 1959). Rogers (1929) also subdivided the last 1,000 years into the Yuman II and III cultures, based on the distribution of ceramics. Despite these regional complexes, each is defined by the addition of arrow points and ceramics, and the widespread use of bedrock mortars. Variations in the appearance of the bow and arrow and ceramics make the temporal resolution of the San Luis Rey and Cuyamaca complexes difficult. For this reason, the term Late Prehistoric is well suited to describe the last 1,500 years of prehistory in the San Diego region.

Temporal trends in socioeconomic adaptations during the Late Prehistoric period are poorly understood. This is partly due to the fact that the fundamental Late Prehistoric assemblage is very similar to the Archaic pattern, but includes arrow points and large quantities of fine debitage from producing arrow points, ceramics, and cremations. The appearance of mortars and pestles is difficult to place in time because most mortars are on bedrock surfaces; bowl mortars are actually rare in the San Diego region. Some argue that the Ethnohistoric intensive acorn economy extends as far back as AD 500 (Bean and Shipek 1978). However, there is no substantial evidence that reliance on acorns, and the accompanying use of mortars and pestles, occurred prior to AD 1400. True (1980) argued that acorn processing and ceramic use in the northern San Diego region did not occur until the San Luis Rey pattern emerged after approximately AD 1450. For southern San Diego County, the picture is less clear. The Cuyamaca Complex is the southern counterpart to the San Luis

Rey pattern, however, and is most recognizable after AD 1450 (Hector 1984). Similar to True (1980), Hale (2009) argued that an acorn economy did not appear in the southern San Diego region until just prior to Ethnohistoric times, and that when it did occur, a major shift in social organization followed.

2.2.5 Ethnohistoric (post-AD 1769)

The history of the Native American communities prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the San Diego region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. They were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the San Diego region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early twentieth century (Boscana 1846; Fages 1937; Geiger and Meighan 1976; Harrington 1934; Laylander 2000). The principal intent of these researchers was to record the precontact, culturally specific practices, ideologies, and languages that had survived the destabilizing effects of missionization and colonialism. This research, often understood as “salvage ethnography,” was driven by the understanding that traditional knowledge was being lost due to the impacts of modernization and cultural assimilation. Alfred Kroeber applied his “memory culture” approach (Lightfoot 2005, p. 32) by recording languages and oral histories within the San Diego region. Kroeber’s assessment of the impacts of Spanish missionization on local Native American populations supported Kumeyaay traditional cultural continuity (Kroeber 1925, p. 711):

San Diego was the first mission founded in upper California; but the geographical limits of its influence were the narrowest of any, and its effects on the natives comparatively light. There seem to be two reasons for this: first, the stubbornly resisting temper of the natives; and second, a failure of the rigorous concentration policy enforced elsewhere.

In some ways this interpretation led to the belief that many California Native American groups simply escaped the harmful effects of contact and colonization all together. This, of course, is untrue. Ethnographic research by Dubois, Kroeber, Harrington, Spier, and others during the early twentieth century seemed to indicate that traditional cultural practices and beliefs survived among local Native American communities. These accounts supported, and were supported by, previous governmental decisions that made San Diego County the location of more federally recognized tribes than anywhere else in the United States: 18 tribes on 18 reservations that cover more than 116,000 acres (CSP 2009).

The traditional cultural boundaries between the Luiseño and Kumeyaay Native American tribal groups have been well defined by anthropologist Florence C. Shipek (1993, as summarized in County of San Diego 2007, p. 6):

In 1769, the Kumeyaay national territory started at the coast about 100 miles south of the Mexican border (below Santo Tomas), thence north to the coast at the drainage divide south of the San Luis Rey River including its tributaries. Using the U.S. Geological Survey topographic maps, the boundary with the Luiseño then follows that divide inland. The boundary continues on the divide separating Valley Center from Escondido and then up along Bear Ridge to the 2240 contour line and then north across the divide between Valley Center and Woods Valley up to the 1880-foot peak, then curving around east along the divide above Woods Valley.

Based on ethnographic information, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact (Johnson and Lorenz 2006, p. 34). The distribution of recorded Native American languages has been dispersed as a geographic mosaic across California through six primary language families (Golla 2007, p. 71). Based on the location of the proposed project, the Native American inhabitants of the region would have likely spoken both the Ipai and Tipai language subgroup of the Yuman language group. Ipai and Tipai, spoken respectively by the northern and southern Kumeyaay communities, are mutually intelligible. For this reason, these two are often treated as dialects of a larger Kumeyaay tribal group rather than as distinctive languages, though this has been debated (Luomala 1978; Laylander 2010).

Victor Golla has contended that one can interpret the amount of variability within specific language groups as being associated with the relative “time depth” of the speaking populations (Golla 2007, p. 80). A large amount of variation within the language of a group represents a greater time depth than a group’s language with less internal diversity. One method that he has employed is by drawing comparisons with historically documented changes in Germanic and Romantic language groups. Golla has observed that the “absolute chronology of the internal diversification within a language family” can be correlated with archaeological dates (Golla 2007, p. 71). This type of interpretation is modeled on concepts of genetic drift and gene flows that are associated with migration and population isolation in the biological sciences.

Golla suggested that there are two language families associated with Native American groups who traditionally lived throughout the San Diego County region. The northern San Diego tribes have traditionally spoken Takic languages that may be assigned to the larger Uto–Aztecan family (Golla 2007, p. 74). These groups include the Luiseño, Cupeño, and Cahuilla. Golla has interpreted the amount of internal diversity within these language-speaking communities to reflect a time depth of approximately 2,000 years. Other researchers have contended that Takic may have diverged from Uto–Aztecan circa 2600 BC–AD 1, which was later followed by the diversification within the Takic speaking San Diego tribes, occurring approximately 1500 BC–AD 1000 (Laylander 2010). The majority of Native American tribal groups in southern San Diego region have traditionally spoken Yuman languages, a subgroup of the Hokan Phylum. Golla has suggested that the time depth of Hokan is approximately 8,000 years (Golla 2007, p. 74). The Kumeyaay tribal communities share a common language group with the Cocopa, Quechan, Maricopa, Mojave, and others to east, and the Kiliwa to the south. The time depth for both the Ipai (north of the San Diego River, from Escondido to Lake Henshaw) and the Tipai (south of the San Diego River, the Laguna Mountains through Ensenada) is approximated to be 2,000 years at the most. Laylander has contended that previous research indicates a divergence between Ipai and Tipai to have occurred approximately AD 600–1200 (Laylander 1985). Despite the distinct linguistic differences between the Takic-speaking tribes to the north, the Ipai-speaking communities in central San Diego, and the Tipai-speaking southern Kumeyaay, attempts to illustrate the distinctions between these groups based solely on cultural material alone have had only limited success (Pignoli 2004; True 1966).

The Kumeyaay generally lived in smaller family subgroups that would inhabit two or more locations over the course of the year. While less common, there is sufficient evidence that there were also permanently occupied villages, and that some members may have remained at these locations throughout the year (Owen 1965; Shipek 1982, 1985; Spier 1923). Each autonomous triblet was internally socially stratified, commonly including higher status individuals such as a tribal head (Kwaaypay), shaman (Kuseyaay), and general members with various responsibilities and skills (Shipek 1982). Higher-status individuals tended to have greater rights to land resources, and owned more goods, such as shell money and beads, decorative items, and clothing. To some degree, titles were passed along family lines; however, tangible goods were generally ceremonially burned or destroyed following the deaths of their owners (Luomala 1978). Remains were cremated over a pyre and then relocated to a cremation ceramic vessel that was placed in a removed or hidden location. A broken metate was commonly placed at the location of the cremated remains, with the intent of providing aid and further use after death. At maturity, tribal members often left to other bands in order to find a partner. The families formed networks of communication and exchange around such partnerships.

Areas or regions, identified by known physical landmarks, could be recognized as band-specific territories that might be violently defended against use by other members of the Kumeyaay. Other areas or resources, such as water sources and other locations that were rich in natural resources, were generally understood as communal land to be shared amongst all the Kumeyaay (Luomala 1978). The coastal Kumeyaay exchanged a number of local goods, such as seafood, coastal plants, and various types of shell for items including acorns, agave, mesquite beans, gourds, and other more interior plants of use (Luomala 1978). Shellfish would have been procured from three primary environments, including the sandy open coast, bay and lagoon, and rocky open coast. The availability of these marine resources changed with the rising sea levels, siltation of lagoon and bay environments, changing climatic conditions, and intensity of use by humans and animals (Gallegos and Kyle 1988; Pignoli 2005; Warren 1964). Shellfish from sandy environments included *Donax*, *Saxidomus*, *Tivela*, and others. Rocky coast shellfish dietary contributions consisted of *Pseudochama*, *Megastrea*, *Saxidomus*, *Protothaca*, *Megathura*, *Mytilus*, and others. Lastly, the bay environment would have provided *Argopecten*, *Chione*, *Ostrea*, *Neverita*, *Macoma*, *Tagelus*, and others. Although marine resources were obviously consumed, terrestrial animals and other resources likely provided a large portion of sustenance. Game animals consisted of rabbits, hares (Leporidae), birds, ground squirrels, woodrats (*Neotoma* sp.), deer, bears, mountain lions (*Puma concolor*), bobcats (*Lynx rufus*), coyotes (*Canis latrans*), and others. In lesser numbers, reptiles and amphibians may have been consumed.

A number of local plants were used for food and medicine. These were exploited seasonally, and were both traded between regional groups and gathered as a single triblet moved between habitation areas. Some of the more common of these that might have been procured locally or as higher elevation varieties would have included buckwheat (*Eriogonum fasciculatum*), Agave, Yucca, lemonade sumac (*Rhus integrifolia*), sugarbush (*Rhus ovata*), sage scrub (*Artemisia californica*), yerba santa (*Eriodictyon* sp.), sage (*Salvia* sp.), *Ephedra*, prickly pear (*Opuntia* sp.), mulefat (*Baccharis salicifolia*), chamise (*Adenostoma fasciculatum*), elderberry (*Sambucus nigra*), oak (*Quercus* sp.), willow (*Salix* sp.), and *Juncus* grass among many others (Wilken 2012).

2.2.6 Historic Period (post-AD 1542)

San Diego history can be divided into the Spanish Period (1769–1821), Mexican Period (1821–1846), and American Period (1846–Present). European activity in the region began as early as AD 1542, when Juan Rodríguez Cabrillo landed in San Diego Bay. Sebastián Vizcaíno returned in 1602, and it is possible that there were subsequent contacts that went unrecorded. These brief encounters made the local native people aware of the existence of other cultures that were technologically more complex than their own. Epidemic diseases may also have been introduced into the region at an early date, either by direct contacts with the infrequent European visitors or through waves of diffusion emanating from native peoples farther to the east or south (Preston 2002). It is possible, but as yet unproven, that the precipitous demographic decline of native peoples had already begun prior to the arrival of Gaspar de Portolá and Junípero Serra in 1769.

The Spanish colonization of Alta California began in 1769 with the founding of Mission San Diego de Alcalá by Father Junípero Serra. Concerns over Russian and English interests in California motivated the Spanish government to send an expedition of soldiers, settlers and missionaries to occupy and secure the northwestern borderlands of New Spain through the establishment of a Presidio, Mission, and Pueblo. The Spanish explorers first camped on the shore of the bay in the area that is now downtown San Diego. Lack of water at this location, however, led to moving the camp on May 14, 1769, to a small hill closer to the San Diego River and near the Kumeyaay village of Cosoy. Father Junípero Serra arrived in July of the same year to find the Presidio serving mostly as a hospital. The Spanish built a primitive mission and presidio structure on the hill near the river.

Bad feelings soon developed between the native Kumeyaay and the soldiers, resulting in construction of a stockade which, by 1772, included barracks for the soldiers, a storehouse for supplies, a house for the missionaries and the chapel, which had been improved. The log and brush huts were gradually replaced with buildings made of adobe bricks. Flat earthen roofs were eventually replaced by pitched roofs with rounded roof tiles. Clay floors were eventually lined with fired brick.

In August 1774, the Spanish missionaries moved the Mission San Diego de Alcalá to its present location 6 miles up the San Diego River valley (modern Mission Valley) near the Kumeyaay village of Nipaguay. Begun as a thatched chapel and compound built of willow poles, logs, and tules, the new mission was sacked and burned in the Kumeyaay uprising of November 5, 1775. The first adobe chapel was completed in October 1776, and the present church was begun the following year. A succession of building programs through 1813 resulted in the final rectilinear plan that included the church, bell tower, sacristy, courtyard, residential complex, workshops, corrals, gardens, and cemetery. Orchards, reservoirs and other agricultural installations were built to the south on the lower San Diego River alluvial terrace and were irrigated by a dam and aqueduct system. The initial Spanish occupation and mission system brought about profound changes in the lives of the Kumeyaay people. Substantial numbers of the coastal Kumeyaay were forcibly brought into the mission or died from introduced diseases.

As early as 1791, presidio commandants in California were given the authority to grant small house lots and garden plots to soldiers and their families, and sometime after 1800, soldiers and their families began to move down the hill near the San Diego River. Historian William Smythe noted that Don Blas Aguilar, who was born in 1811, remembered at least 15 such grants below Presidio Hill by 1821, of which only 5 (within the boundaries of what would become Old Town) had houses in 1821. These included the home of retired commandant Francisco Ruiz Adobe (which is now known as the Carrillo Adobe), another building later owned by Henry Fitch on Calhoun Street, the Ybanes and Serrano houses on Juan Street near Washington Street, and a small adobe house on the main plaza owned by Juan Jose Maria Marron.

In 1822, the political situation changed as Mexico won its independence from Spain and San Diego became part of the Mexican Republic. The Mexican Government opened California to foreign trade; began issuing private land grants in the early 1820s, creating the rancho system of large agricultural estates; secularized the Spanish missions in 1833; and oversaw the rise of the civilian pueblo. By 1827, as many as 30 homes existed around the central plaza and in 1835, Mexico granted San Diego official pueblo (town) status. At this time the town had a population of nearly 500 residents, later reaching a peak of roughly 600. By 1835, the presidio, once the center of life in Spanish San Diego, had been abandoned and lay in ruins. Mission San Diego de Alcalá fared little better. The town and the ship landing area at La Playa were now the centers of activity in Mexican San Diego. However, the new Pueblo of San Diego did not prosper as did some other California towns during the Mexican Period.

The secularization in San Diego County triggered increased Native American hostilities against the Californios during the late 1830s. The attacks on outlying ranchos, along with unstable political and economic factors helped San Diego's population decline to around 150 permanent residents by 1840. San Diego's official pueblo status was removed by 1838 and it was made a subprefecture of the Los Angeles Pueblo. When the Americans took over after 1846, the situation had stabilized somewhat, and the population had increased to roughly 350 non-Native American residents. The Native American population continued to decline, as Mexican occupation brought about continued displacement and acculturation of Native American populations.

The American Period began in 1846 when United States military forces occupied San Diego and this period continues today. When United States military forces occupied San Diego in July 1846, the town's residents split on their course of action. Many of the town's leaders sided with the Americans, while other prominent families opposed the United States invasion. In December 1846, a group of Californios under Andres Pico engaged United States Army forces under General Stephen Kearney at the Battle of San Pasqual and inflicted many casualties. However, the Californio resistance was defeated in two small battles near Los Angeles and effectively ended by January 1847. The Americans assumed formal control with the Treaty of Guadalupe-Hidalgo in 1848 and introduced Anglo culture and society, American political institutions, and especially American entrepreneurial commerce. In 1850, the Americanization of San Diego began to develop rapidly.

On February 18, 1850, the California State Legislature formally organized San Diego County. The first elections were held at San Diego and La Playa on April 1, 1850, for county officers. San Diego grew slowly during the next decade. San Diegans attempted to develop the town's interests through a transcontinental railroad plan and the development of a new town closer to the bay. The failure of these plans, added to a severe drought that crippled ranching and the onset of the Civil War, left San Diego as a remote frontier town. The troubles led to a drop in the town's population from 650 in 1850 to 539 in 1860. Not until land speculator and developer Alonzo Horton arrived in 1867 did San Diego begin to develop fully into an active American town.

Alonzo Horton's development of a New San Diego (modern downtown) in 1867 began to swing the community focus away from Old Town and began the urbanization of San Diego. Expansion of trade brought an increase in the availability of building materials. Wood buildings gradually replaced adobe structures. Some of the earliest buildings to be erected in the American Period were "pre-fab" houses that were built on the east coast of the United States and shipped in sections around Cape Horn and reassembled in San Diego. Development spread from downtown based on a variety of factors, including the availability of potable water and transportation corridors. Factors such as views and access to public facilities affected land values, which in turn affected the character of neighborhoods that developed. During the Victorian Era of the late 1800s and early 1900s, the areas of Golden Hill, Uptown, Banker's Hill and Sherman Heights were developed. Examples of the Victorian Era architectural styles remain in these communities, as well as in Little Italy, which developed at the same time. At the time downtown was being built, there began to be summer cottage/retreat development in what are now the Beach communities and La Jolla area. The early structures in these areas were not of substantial construction; they were primarily for temporary vacation housing.

Mission Bay remained a tidal marsh until the Army Corps of Engineers attempted to reroute the terminus of the San Diego River into the bay in 1853. The rerouting structure, known as the Derby Dike, lasted 2 years until it was washed away by a flood. Besides this temporary development, Mission Bay was largely undeveloped and used as sheep pasture and outdoor sports until the 1880s when the bay's commercial potential was realized (Everest 2016).

In the 1920s, entrepreneur John D. Spreckels subdivided Mission Beach, constructed an amusement park, and built the La Jolla Streetcar. In 1929, Mission Bay was incorporated into the California State Park System, but the Great Depression and World War II delayed any further developments. Prior to the 1940s, the northern portion of the proposed project APE was covered by the bay which transitioned into wetlands in the southern and eastern portion of the APE. Dredged soils from Mission Bay and imported soils were used to create the land now encompassing the proposed project APE (in the 1940s and 1950s (Gabrielson 2002).

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3 Methods

The purpose of this study was to compile an inventory of all resources within the proposed project APE to assess whether the proposed project would result in any potentially significant impacts beyond those already identified in the 2001 SeaWorld Master Plan Update Environmental Impact Report (2001 SeaWorld EIR) (City of San Diego 2001a). To complete this study, a review of all known resources and the identification of all new resources were necessary. Because the proposed project APE is within a highly developed area, the entire APE has been previously inventoried and most resources have been previously identified.

3.1 Records Search

An examination of existing maps, records, and reports was conducted by Dudek to determine if the proposed project could potentially impact previously recorded cultural resources. Dudek conducted a records search on January 6, 2020, at the SCIC housed at San Diego State University. The search encompassed the APE and a 1-mile buffer around the APE. The purpose of the records search is to identify any previously recorded resources that may be located in or adjacent to the project area and to identify studies previously conducted in the project vicinity. In addition to a review of previously prepared site records and reports, the records search also reviewed historical maps of the project area, ethnographies, the National Register of Historic Places, the CRHR, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and Archaeological Determinations of Eligibility.

3.2 NAHC Sacred Lands File Search

Dudek requested a search of the NAHC Sacred Lands File for the proposed project APE and a 1-mile buffer (Appendix C). A search of this type requires NAHC staff to review their list for the presence of Native American sites, which are organized spatially based on a Public Land Survey System section grid (measuring 1 square mile). The NAHC responded and included a list of Native American group representatives whom should be contacted for information about these sites. Dudek mailed each of these representatives via certified mail and asked for any additional information concerning tribal cultural resources within or adjacent to the proposed project APE.

Under CEQA, as lead agency, the City of San Diego is required to perform formal consultation with Native American Tribes under Assembly Bill 52.

3.3 No Pedestrian Survey

Upon reviewing the results of the Dudek SCIC records search (Section 4.1, Records Search Results), Dudek found that the entire proposed project APE had been recently surveyed and found to contain no exposed soil except in constructed planters filled with imported soil (BCR Consulting 2016). As such, Dudek determined that a pedestrian survey was unnecessary for this inventory.

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4 Results

This section presents the results of the archival research.

4.1 Records Search Results

On January 6, 2020, Dudek conducted a records search at the SCIC to identify any previously recorded resources that may be located in or adjacent to the project area and to identify previous studies in the project vicinity.

4.1.1 Previously Identified Cultural Resources

The records search identified no cultural resources within the APE; however, 35 cultural resources were identified within 1 mile of the APE (Table 1, Resources within 1 Mile of APE). The prehistoric sites include 2 temporary camps, 3 habitation debris scatters, an isolated hammerstone, and an isolated lithic flake. These two isolates were identified immediately south of the proposed project APE. The historic-period sites include 4 bridges, a garbage dump, 2 historic building districts, a carousel, and 19 historic buildings. One multicomponent site consisting of a prehistoric lithic and historic glass scatter is located within 1 mile of the APE (Confidential Appendix B).

Table 1. Resources within 1 Mile of APE

Label	Trinomial	Era	Description	Intersects APE
O KENYON ST	—	Historical	Historic address	NO
3146 MISSION BLVD	—	Historical	Historic address	NO
4109 SPORTS AREAN BOULEVARD, SUITE A	—	Historical	Historic address	NO
4109 SPORTS AREAN BOULEVARD, SUITE B	—	Historical	Historic address	NO
P-37-000042	SDI-000042	Prehistoric	Temporary campsite	NO
P-37-000043	SDI-000043	Prehistoric	Temporary campsite	NO
P-37-000044	SDI-000044	Prehistoric	Shell scatter	NO
P-37-000045	SDI-000045	Prehistoric	Refuse heap	NO
P-37-010530	SDI-010530	Historical	West Point Loma Dump	NO
P-37-011571	SDI-011571	Prehistoric	Habitation debris	NO
P-37-012453	SDI-012453	Multicomponent	Lithic and glass scatter	NO
P-37-016543	—	Historical	Historic address	NO
P-37-016579	—	Historical	Historic address	NO
P-37-027712	—	Historical	Historic address	NO
P-37-028406	—	Historical	Carousel	NO
P-37-028424	—	Historical	Historic address	NO
P-37-029025	—	Historical	Historic District	NO
P-37-033893	—	Historical	Historic address	NO
P-37-034320	—	Historical	Bridge	NO
P-37-034321	—	Historical	Railroad bridge	NO
P-37-034325	—	Historical	Historic address	NO
P-37-034326	—	Historical	Historic address	NO
P-37-034327	—	Historical	Historic address	NO
P-37-034328	—	Historical	Historic address	NO

Table 1. Resources within 1 Mile of APE

Label	Trinomial	Era	Description	Intersects APE
P-37-034332	—	Historical	Railroad bridge	NO
P-37-034333	—	Historical	Concrete bridge	NO
P-37-034334	—	Historical	Historic address	NO
P-37-034335	—	Historical	Historic address	NO
P-37-034438	—	Historical	Historic District	NO
P-37-035181	—	Historical	San Diego Sports Arena	NO
P-37-035184	—	Historical	Crown Point Coffee building	NO
P-37-035511	—	Historical	Historic address	NO
P-37-035599	—	Historical	Gray Gables Inn	NO
P-37-036520	—	Prehistoric	Isolate - hammerstone	NO
P-37-036521	—	Prehistoric	Isolate - lithic flake	NO

Note: APE = area of potential effect.

4.1.2 Previous Studies

The records search revealed that 94 archaeological studies have been previously conducted within 1 mile of the APE (see Table B-1, Studies within 1 Mile of APE, in Confidential Appendix B). Of the 94 studies, 4 studies cover portions of the APE, and 2 studies contain information pertinent to the cultural sensitivity of the proposed project.

SD-16901

In 2017, AECOM monitored the installation of gas line conduit along SeaWorld Drive, south of the currently proposed project APE (AECOM 2017). AECOM identified two prehistoric isolates, a hammerstone and a utilized lithic flake. One isolate was identified in the tailing pile from the construction excavations and the other was identified 13 centimeters below surface.

SD-17228

In 2016, BCR Consulting conducted a cultural resources assessment of SeaWorld for a proposed distribution antenna system nodes installation project (BCR Consulting 2016). The assessment included a cultural resources pedestrian survey of the currently proposed project APE. The survey found that the proposed project APE is highly disturbed and covered by pavement and buildings for the SeaWorld Aquatic Park. The only visible soil was identified within constructed planters filled with imported soil. BCR Consulting identified no cultural resources within the currently proposed project APE.

4.2 NAHC Sacred Lands File Search

Dudek requested a search of the NAHC Sacred Lands File for the proposed project APE on January 6, 2020 (Appendix C). The NAHC responded on January 15, 2020, indicating that the search was positive and recommended that Dudek contact the Viejas Band of Kumeyaay Indians. The NAHC response letter also included a list of Native American group representatives whom should be contacted for information about possible resources in or adjacent to the APE. Dudek sent letters via certified mail to all 19 Native American representatives listed by the NAHC, including Viejas Band, on January 17, 2020. To date, Dudek has received two responses.

Ray Teran of Viejas Band of Kumeyaay Indians responded via email on February 27, 2020 stating that the project site has significance or ties to Viejas. Viejas did not indicate the presence of any specific cultural resources within or adjacent to the project APE but did request that a Kumeyaay Cultural Monitor be present for ground disturbing activities. Angelina Gutierrez of San Pasqual Band of Mission Indians responded via email on February 26, 2020 stating that the project is within the boundaries of the territory that the tribe considers its Traditional Use Area. San Pasqual did not indicate the presence of any specific cultural resources within or adjacent to the project APE but did request that they be included on the distribution list for any documents regarding previously reported or newly discovered resources.

4.3 Aerial Photograph and Topographic Map Review

Dudek conducted an online review of historic aerial images on the proposed project APE and general vicinity to help understand the land use prior to the construction of SeaWorld. Topographic maps from 1903 to 1943 show that the northern portion of the proposed project APE was covered by Mission Bay while the southern portion consisted of wetlands (NETR 2020). Aerial photographs from circa 1920 and 1930 show that the proposed project APE consisted of wetlands covered by vegetation and inundated by waterways (City of San Diego n.d.). After dredging activity and the importing of soils during the 1940s and 1950s (Gabrielson 2002), a 1953 aerial photograph shows the modification of the northwestern boundary of the proposed project APE from wetlands to a constructed landform (NETR 2020). By 1964, the year SeaWorld opened, Mission Bay had been transformed to its current topography and the proposed project APE consisted of the original park on a levelled coastline overlooking the bay.

A review of the available topographic maps and aerial photographs provide information concerning the cultural resources sensitivity of the proposed project APE. The maps and photographs show that the northernmost portions of the APE were covered by bay water while the rest of the APE was comprised of wetlands. The construction of the current Mission Bay topography and the introduction of dredged and imported soils into the proposed project APE, likely destroyed any surficial cultural resources.

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5 Conclusion

This cultural resource inventory was conducted to determine if implementation of the proposed project has the potential to impact archaeological resources and/or tribal cultural resources beyond those already identified in the 2001 SeaWorld EIR (City of San Diego 2001a). A search of records housed at the SCIC identified no resources within the proposed project APE. A search of the Sacred Lands File by the NAHC was positive for tribal resources within 1 mile of the proposed project APE, but no Native American correspondence has indicated the presence of cultural resources within the APE specifically. A review of historical topographic maps and aerial photographs reveal that the proposed project APE was located within wetlands and partially under bay water until the 1940s and 1950s. The land on which the proposed project APE now rests was constructed with the introduction of soils dredged from the bottom of Mission Bay and imported from off site.

Because the current landform is constructed with imported soils, the proposed project site is fully developed and no record of cultural resources discovered or identified as being associated with the proposed project site were available, it is unlikely-not likely that intact cultural resource deposits will be identified on or near the surface of the proposed project APE. As was stated in the previous 2001 SeaWorld EIR (City of San Diego 2001a), historically, Mission Bay Park was a little used, unnavigable backwater made up of tidal basins, sand dunes, salt marshes, swamps and salt flats, as well as upland through extensive dredging and filling operations. Mission Bay was converted from an open coastal estuary with extensive salt marsh and mud flats, to a small boat harbor and public recreational resource. With the extensive dredge and fill operations that occurred, and are still on going, along with site development, any cultural resources within the proposed project APE would have been covered or removed. Therefore, implementation of the proposed project would result in no impacts to archaeological resources and/or tribal cultural resources that would require mitigation measures, as was concluded in the previous 2001 SeaWorld EIR (City of San Diego 2001a). However, San Diego coastline has undergone extensive changes, including its bays and estuaries, since the end of the Wisconsin glaciation period when continental ice melt contributed to rising ocean levels. As a result, many places that have been historically known to be underwater may not have been in the past. Any such submerged areas along San Diego's coastline are considered to have higher sensitivity regarding the potential for older cultural deposits. However, there is no deep excavation proposed near the shoreline as part of the proposed project.

~~Because there is always a potential for encountering a resource during excavation, Section 6.6.2 of the City's Whitebook — Standard Specification for Public Works Construction (City Whitebook) (City of San Diego 2018) contains established procedures for addressing unanticipated discoveries during construction related activities. The City Whitebook provides guidance and direction to contractors regarding the notification process; and includes the requirement to cease work work must cease in the area of a cultural resource discovery until the resource is properly evaluated by a qualified archaeologist and Native American representative, and a plan for the treatment and/or recovery of the resource must then be is reviewed and/ approved by qualified City staff. Only after the City gives approval, may ground disturbance in the vicinity of the discovery continue, in the Development Services Department. The procedures of the City Whitebook apply to all construction associated with the proposed project APE.~~

This report was completed in compliance with state and local regulations. ~~Based on the analysis provided in this report, the proposed project would not result in impacts to archaeological resources and/or tribal cultural resources that would require mitigation measures, as was concluded in the previous 2001 SeaWorld EIR (City of San Diego 2001a).~~

Commented [AB1]: Updated per verbal comments from the City/Sara, which are also supported by Myra.

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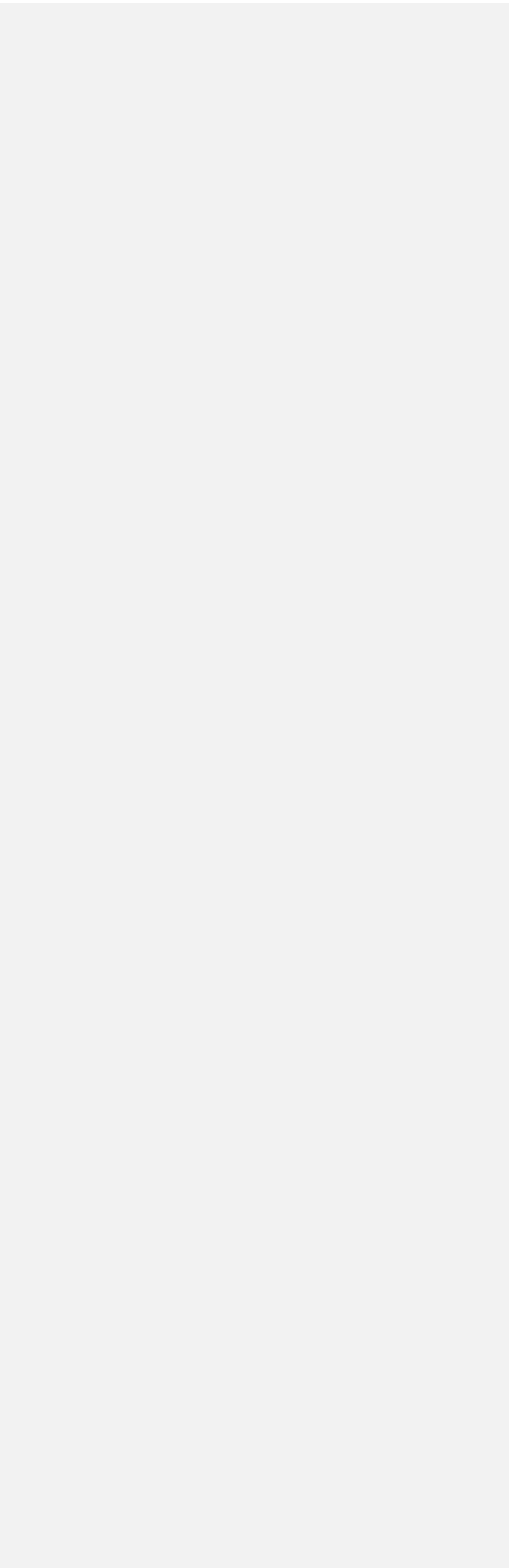
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7 Certification

Preparer: Matthew DeCarlo, MA	Title: Archaeologist
Signature: <i>Matthew H. DeCarlo</i>	Date: February 21, 2020

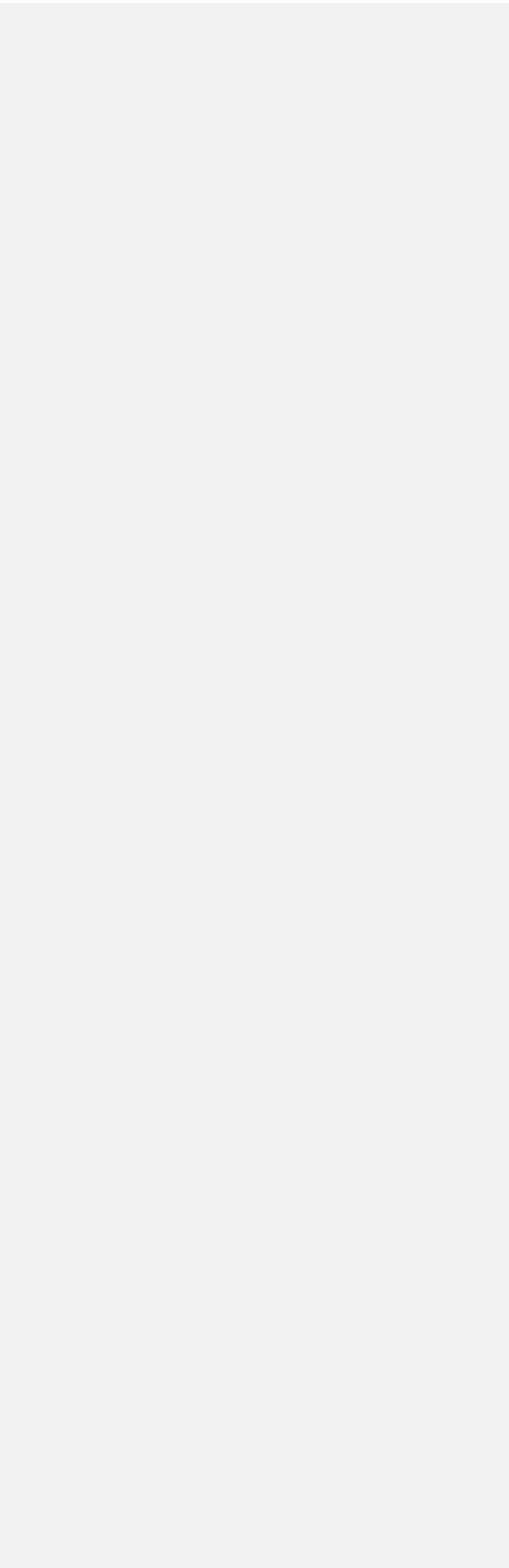
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Figure 1 Regional Map



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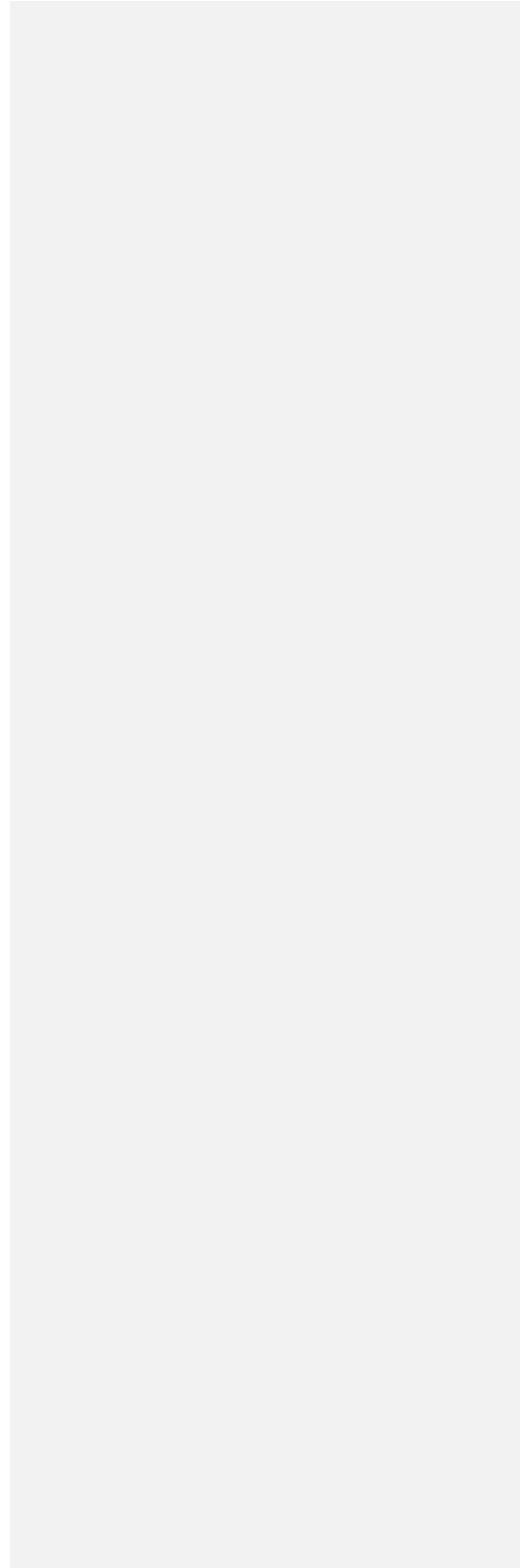
Figure 2 Area of Potential Effect Map



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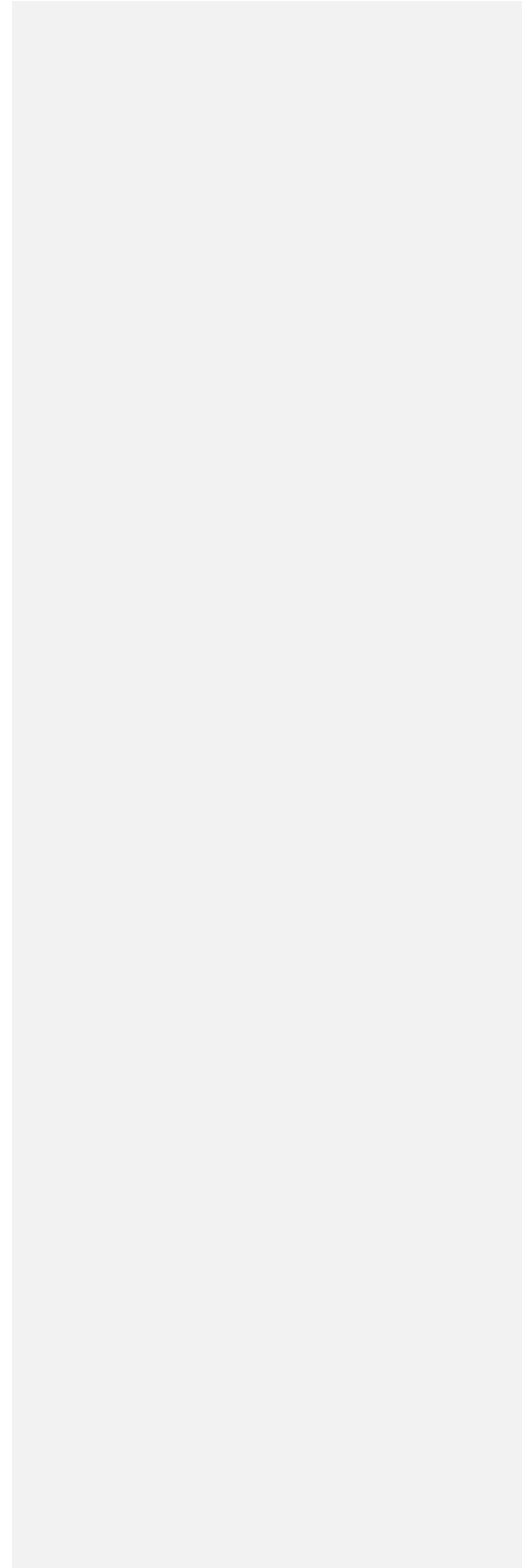
Appendix A

Project Personnel Qualification



Appendix B (Confidential)

SCIC Records Search Documents



Appendix C

NAHC Search Results and Native American Correspondence