

# Appendix G

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## Responses to Comments

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# Rincon Band of Luiseño Indians

## CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082  
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



April 6, 2020

**Sent via email: gkeppler@vidwater.org**

Greg Keppler  
Vista Irrigation District  
1391 Engineer Street  
Vista, CA 92081

### Re: E Reservoir Replacement and Pump Station Project

Dear Mr. Keppler,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized American Indian Tribe and sovereign government. If you have not done so already, please include the Band on all distribution lists for environmental document reviews and notices for public hearings and scheduled approvals.

The Rincon Band has received the Mitigated Negative Declaration (MND) for the above referenced project. From the transmittal description the Band understands that the proposed project includes the replacement of the existing oval shaped, partially buried, 1.5-million-gallon (MG) E Reservoir with a new reservoir and construction of a new pump station. The Rincon Band wishes to inform the Vista Irrigation District that the location identified within the MND is situated within the Territory of the Luiseño people and within the Band’s specific Area of Historic Interest (AHI). As such, Rincon is traditionally and culturally affiliated to the project area.

We have reviewed the provided documents and we are in agreement with the measures which include archaeological monitoring upon discovery. However, Rincon recommends that Luiseño Tribal Monitoring also be included in MM-CUL-1 for ground disturbances that extends beyond previously disturbed depths. Having a Luiseño Tribal Monitor would not only save time upon discovery of cultural resources, but the determination of potential significance would be made in consultation with the Luiseño tribal monitor who has knowledge pertaining to the cultural significance of Luiseño cultural material.

Furthermore, in Appendix C1 Cultural Resources Report of the MND, DUDEK listed guidelines “taken directly from the City of Vista’s General Plan 2030, initially established by the City in 2011...”. The Band would like to clarify, that this listing serves as reference but these guidelines will not be applied to the project, as RCS Policy 12.2 and 12.3 references the San Luis Rey Band of Mission Indians where it should state instead “the consulting Tribes”. The Band therefore asks, that if it is expected that the City’s guidelines be applied to this project, language needs to be changed to ensure that the Consulting Tribes will be included.

A-1  
A-2  
A-3

We request that the Rincon Band be notified of any changes in project plans. In addition, we request a copy of the final monitoring report, when available and ask that Rincon be afforded the opportunity to monitor the ground disturbances associated with this project.

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

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

Sincerely,



Cheryl Madrigal  
Tribal Historic Preservation Officer  
Cultural Resources Manager

A-4

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## Response to Comment Letter A

Rincon Band of Luiseño Indians

Cheryl Madrigal

April 6, 2020

- A-1** The Vista Irrigation District (VID) appreciates the Rincon Band of Luiseño Indian's (Rincon Band's) review and comment on the Draft Mitigated Negative Declaration (MND). This comment is introductory in nature and provides an accurate summary of the proposed project analyzed in the Draft MND. VID acknowledges that the project site is within the Rincon Band's traditionally and culturally affiliated area. VID notes the Rincon Band's request to be included on all distribution lists for environmental document reviews and notices for public hearings and scheduled approvals; VID will add the Rincon Band to these requested future distribution lists.
- A-2** This comment refers to the requirements of mitigation measure MM-CUL-1. The commenter is recommending that Luiseño Tribal Monitoring also be included in mitigation measure MM-CUL-1. It should be noted that cultural resources construction monitoring is not included in mitigation measure MM-CUL-1, per the conclusions of the Negative Cultural Resources Report included as Appendix C1 to the Draft MND. This conclusion is based on the existing disturbance of the site, in combination with the negative survey and records search results, which suggests there is little to no potential to encounter unidentified significant cultural resources within the project's excavation area. Therefore, mitigation measure MM-CUL-1 requires construction work training and notification to a qualified archaeologist in the event of an unanticipated discovery.
- Per the requirements of mitigation measure MM-CUL-1, in the event that unanticipated archaeological resources are exposed during construction activities for the project, a qualified archaeologist shall be retained to evaluate the significance of the find. If the archaeologist observes the discovery to be potentially significant under CEQA or Section 106 of the National Historic Preservation Act, additional efforts may be warranted as recommended by the qualified archaeologist. These additionally recommended efforts may include coordination with appropriate tribal representatives, depending on the resource found. However, because cultural construction monitoring is not required of the project, no revisions to mitigation measure MM-CUL-1 have been made in response to this comment.
- A-3** This comment refers to the listing of the City of Vista's General Plan Cultural and Historical Resources Guidelines in the Cultural Resources Report for the project included as Appendix C1 to the MND. The commenter is correct that these are included as reference, but these guidelines do not apply to the proposed project. This comment does not raise any issue related to the adequacy of the environmental analysis contained in the Draft MND. No revisions to the Draft MND are required.
- A-4** This comment concludes the comment letter. VID will notify the Rincon Band of any changes in the project plans. VID notes the Rincon Band's request to monitor the ground disturbances of the project. As noted in Response to Comment A-2, cultural resources monitoring is not required of the project per mitigation measure MM-CUL-1 due to the extent of previous disturbance and low sensitivity. As such, mitigation measure MM-CUL-1 does not require provision of a monitoring report, as no monitoring is required. However, should an unanticipated discovery of a cultural resource occur during project construction, VID will provide the Rincon Band with the results of the evaluation of the discovery.

**From:** Mikayla Vaba <mikayla.vaba@opr.ca.gov>  
**Sent:** Friday, April 24, 2020 2:54 PM  
**To:** Greg Keppler <gkeppler@vidwater.org>  
**Subject:** SCH# 2020039069

The State Clearinghouse would like to inform you that our office will be transitioning from providing a hard copy of acknowledging the close of review period on your project to electronic mail system.

Please visit: <https://ceqanet.opr.ca.gov/2020039069/2> for full details about your project and if any state agencies submitted comments by close of review period (note: any state agencies in bold, submitted comments and are available).

This email acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please email the State Clearinghouse at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

B-1

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## Response to Comment Letter B

State Clearinghouse  
Mikayala Vaba  
April 24, 2020

- B-1** This comment letter confirms that VID has complied with the public review requirements for the Draft MND, pursuant to CEQA. VID has reviewed the link provided in this comment and confirmed that no state agencies submitted comment letters through the State Clearinghouse. This comment does not raise any issue with the adequacy of the Draft MND, therefore, no further response is required.

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