

## **APPENDIX A**

### **STAKEHOLDERS WITH KEY INTERESTS IN WATERSHED**

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## STAKEHOLDERS WITH KEY INTERESTS IN WATERSHED

### **San Diego River Park Alliance**

This group was previously known as the “San Diego River Park Coalition.” It was formed and is chaired by Mayor Dick Murphy to discuss policy issues relative to the establishment of the San Diego River Park. Members of the committee include local, state and federal elected officials, the Executive Director of the San Diego River Park Foundation in her capacity as the Chair of the San Diego River Coalition, and the Helix Water District, which owns significant areas adjacent to the San Diego River. (Draft San Diego River Coalition Status Report, February 21, 2003)

### **San Diego River Conservancy**

Legislation in 2002 (AB 2156, Kehoe) created the San Diego River Conservancy to manage the public lands along the San Diego River. The new conservancy is the first in San Diego County and it will coordinate state funding for recreation, species restoration, scientific research, and educational and cultural activities along the river. It has a governing board of nine voting and two nonvoting members including state officials, local elected officials, and community members.

### **San Diego River Park Foundation**

The San Diego River Park Foundation is a 501 (c)(3) non-profit organization that is the host and chair of the San Diego River Coalition meetings. It acts in the capacity of a resource for the numerous groups working on establishing the River Park and the community in general. It is a central repository and clearinghouse for information and maintains the [www.SanDiegoRiver.org](http://www.SanDiegoRiver.org) website.

The Foundation works to support important projects which will help to establish a river-long park while restoring and enhancing the river and its watershed, providing greatly needed community facilities and opportunities to learn about our region's rich history, encouraging stewardship of the riparian environment, and improving the lives of those that live, work and play in the area.

### **San Diego River Coalition**

This is a coalition of approximately 50 non-governmental organizations which has been tasked with acting as the citizen advisory committee for the river park. It holds publicly accessible meetings which are attended by many of the governmental and quasi-governmental entities working on these issues.

### **San Diego River Watershed Workgroup**

This is a stakeholders group of interested individuals, organizations, and agencies who are working to develop a management plan for the San Diego River Watershed, with funding from the Costa-Machado Clean Water Act of 2000, Proposition 13. While this is a separate and distinct effort from the river park, the San Diego River Park Foundation and Watershed Workgroup are working together to ensure that these planning efforts are complementary.

### **Additional Stakeholders (partial list)**

Alpine Community Planning Group  
 American Public Works Association  
 Anchor Environmental CA, L.P.  
 Aquatic Adventures - Science Education Foundation  
 Audubon Society, San Diego Chapter  
 Back Country Land Trust  
 Barona Band of Mission Indians  
 Brown & Caldwell  
 California Department of Fish and Game  
 California Department of Water Resources  
 California History and Culture Conservancy  
 California Native Plant Society, San Diego Chapter  
 CALPIRG  
 City of El Cajon  
 City of La Mesa  
 City of Poway  
 City of San Diego  
 City of Santee  
 Civitas, Inc.  
 Cleveland National Forest  
 Communities Alive In Nature  
 County of San Diego  
 Crest-Dehesa Community Planning Group  
 Cuyamaca Community Sponsor Group  
 Cuyamaca Rancho Foundation

Descanso Community Planning Group  
Dog Beach Committee  
EDAW  
Endangered Habitats League  
Everest International Consultants, Inc.  
Founders' Trail Associates  
Friends of Adobe Falls  
Friends of Dog Beach  
Friends of Dove Canyon  
Friends of Famosa Slough  
Friends of Mission Valley Preserve  
Friends of Ruffin Canyon  
Friends of the San Diego River Mouth  
Greater San Diego Chamber of Commerce  
Helix Water District  
I Love A Clean San Diego  
Inaja-Cosmit Band of Indians  
Iron Mountain Conservancy  
Jones & Jones Architects and Landscape Architects, Ltd.  
Jones & Stokes  
Julian Community Planning Group  
Katz, Okitsu and Associates  
KTU+A  
L.J. Black Consulting  
Lakeside Chamber of Commerce  
Lakeside Community Planning Group  
Lakeside Historical Society  
Lakeside's River Park Conservancy  
Lakeside Water District  
Maine Avenue Revitalization Association  
MEC Analytical  
Merkel & Associates, Inc.  
Michael R. Welch, Consulting Engineer  
Mission Trails Regional Park Foundation and CAC  
Mission Valley Community Council  
Mission Valley Unified Planning Committee  
Mooney and Associates  
Nasland Engineering  
National Wildlife Federation  
Navajo Community Planners, Inc.  
Ocean Beach Planning Board  
Pacific REMS  
Padre Dam Municipal Water District

PBS&J  
Preserve Wild Santee  
Project Pacific  
Ramona Community Planning Group  
Ramona Parks and Recreation Association  
Ramona Trails Council  
RECON  
Regional Workbench Consortium  
Resource Conservation District of Greater San Diego  
Riverview Water District  
SAIC  
San Diego Archaeological Center  
San Diego Baykeeper  
San Diego Conservation Resources Network (SDCRN)  
San Diego County Bicycle Coalition  
San Diego County Trails Council  
San Diego County Water Authority  
San Diego Mediation Center  
San Diego Mountain Bike Association  
San Diego Oceans Foundation  
San Diego Presidio Park Council  
San Diego Regional Water Quality Control Board  
San Diego River Coalition  
San Diego River Park Foundation, San Diego State University, Department of Geography  
San Diego Stream Team  
San Diego Tracking Team  
Serra Mesa Community Council  
Serra Mesa Planning Group  
Sierra Club, San Diego Chapter  
Southern California Watershed Alliance  
Southern California Wetlands Recovery Project  
SPAWAR Systems Center  
State Water Resources Control Board  
Surfrider Foundation  
Tecolote Canyon CAC  
The Nature Conservancy  
Tierrasanta Community Council  
TRAC  
Trust for Public Lands  
U.S. Bureau of Reclamation  
U.S. Fish and Wildlife Service  
U.S. Geological Survey  
University of San Diego

Upper San Diego River Improvement Committee (USDRIC)  
Urban Corps of San Diego  
Valle De Oro Community Planning Group  
Vernal Pool Society  
Viejas Band of Kumeyaay Indians  
Village Engineering Corp.  
Volcan Mountain Preserve Foundation

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## **APPENDIX B**

### **SENSITIVE PLANTS KNOWN OR EXPECTED TO OCCUR WITHIN SAN DIEGO RIVER WATERSHED**

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## SENSITIVE PLANTS

(Under Subarea Plan Status: CS = MSCP Covered; NC = Not MSCP Covered; NWE = Narrow Endemic, and NE = Not Evaluated. Plant sensitivity codes are defined at the end of the table.)

Scientific Name Common Name	Subarea Plan Status	Fed/State Status	CNPS		NDDB Rank		On-site Status	Notes
			List	R-E-D Code	Global	CA		
<i>Artemisia palmeri</i> San Diego sagewort	NE	None	4	1-2-1	G3	S3.2	Present	This species typically occurs along creeks and drainages near the coast; inland it may occur in mesic chaparral conditions. During the 2003 surveys, this species was found in riparian scrub and riparian woodlands within the San Diego basin. Moderate amounts of this species were found west of I-805 on the north side of the River. Larger populations were located behind Qualcomm Stadium, on the northern portion of the River, just west of SR-163.
<i>Brodiaea orcuttii</i> Orcutt's Brodiaea	CS	None/ None	1B	1-3-2	G3	S1.1	Present	Habitat within the San Diego, San Vicente and El Capitan Management Areas includes closed-cone coniferous forest, chaparral, cismontane woodland, meadows and seeps, valley and foothill grasslands, vernal pools/mesic areas, clay, and sometimes serpentine areas with an elevation of 30-1615 meters.
<i>Calochortus dunnii</i> Dunn's Mariposa Lily	NE	None/ SR	1B	2-2-2	G2	S2.1	Present	Within the San Vicente and El Capitan Management Areas, habitat is closed-cone coniferous forest, chaparral/gabbroic or metavolcanic, rocky areas (380-1830 meters).
<i>Ceanothus cyaneus</i> Lakeside Ceanothus	NE	None/ None	1B	3-2-2	G2	S2.2	Present	Typical habitat within the El Capitan Management Area is closed-cone coniferous forest or chaparral; with an elevation of 235-755 meters.
<i>Chamaebatia australis</i> Southern Mountain Misery	NE		4	1-2-1	G4	S3.2	Present	This shrub grows in thickets on gabbroic and metavolcanic derived soils. In San Diego County, populations are known from Otay Mountain north to San Marcos Mountain, and inland on Iron and Tecate Mountains. Within the San Diego Watershed this species occurs in the San Diego basin.
<i>Clarkia delicata</i> Delicate Clarkia	NE	None/ None	1B	2-2-2	G2	S2.2	Present	Within the San Diego, San Vicente, and El Capitan Management Areas, habitat is chaparral and cismontane woodland (elevation 235-1000 meters).
<i>Comarostaphylis diversifolia diversifolia</i> Summer-holly	CS		1B	2-2-2	G3?T2	S2.2	Present	Mostly found on north-facing slopes in Southern Mixed Chaparral occurring mostly west of the I15 freeway. Within the San Diego River watershed it is only found within the San Diego basin.



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<i>Cupressus stephensonii</i> Cuyamaca cypress	NE	None/ None	1B	3-3-3	G1	S1.2	Present	Present within El Capitan Management Area in closed-cone coniferous forests, chaparral, and riparian scrub/gabboric areas having an elevation of 1035-1705 meters.
<i>Delphinium hesperium</i> ssp. <i>cuyamaca</i> Cuyamaca Larkspur	NE	None/ SR	1B	2-2-3	G4T2	S2.1	Present	Within El Capitan Management Area, habitat is lower montane coniferous forests, and meadows and seeps/mesic, with an elevation of 1220-1630 meters.
<i>Dudleya variegata</i> Variegated Dudleya	NE		1B	2-2-2	G2	S2.2	Present	This species grows in sparsely vegetated areas in areas where sage scrub, Chamise, and scrub oak may occur. Often associated with vernal pool complexes and mima mound topography. This species only occurs in the San Diego Management Area, within the San Diego River watershed.
<i>Ericameria palmeri</i> ssp. <i>palmeri</i> Palmer's goldenbush	CS	None/ SC	2	3-2-1	G4T2 T3	S1.1	Present	The habitat for this species consists of coastal drainages, mesic chaparral sites, or rarely in Diegan sage scrub within the San Diego basin. Seasonally wet/moist locations are strongly preferred by this species. During the 2003 surveys, Palmer's goldenbush was found in limited numbers in one location within the NRMP area. Two individual shrubs were identified adjacent to Qualcomm Stadium.
<i>Ferocactus viridescens</i> San Diego Barrel Cactus	CS	None/ None	2	1-3-1	G4	S3.1	Present	Within the San Diego basin, habitat includes chaparral, coastal scrub, valley and foothill grassland, and vernal pools (elevation 3-450 meters).
<i>Grindelia hirsutula</i> var. <i>hallii</i> San Diego Gumplant	NE	None/ None	1B	2-2-3	G5T2	S2.2	Present	Habitat within the El Capitan Management Area includes chaparral, lower montane coniferous forest, meadows and seeps, and valley and foothill grasslands at an elevation of 185-1745 meters.
<i>Horkelia truncata</i> Ramona Horkelia	NE		1B	3-1-2	G3	S2.3	Present	Populations are often associated with Chamise chaparral. In San Diego this plant occurs from the lower elevations of the Peninsular Mountains west to the rocky foothill topography. Occurs on the western portion of the El Capitan Management Area and the eastern portions of the San Diego and San Vicente Management Areas.
<i>Hulsea californica</i> San Diego Sunflower	NE	None/ None	1B	2-1-3	G2	S2.1	Present	Habitat within the El Capitan Management Area consists of chaparral, lower montane coniferous forest, upper montane



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								coniferous forest, openings and burned areas with an elevation between 915-2915 meters.
<i>Iva hayesiana</i> San Diego marsh elder	NE	None/ None	2	2-2-1	G3?	S2.2?	Present	Creeks or intermittent streambeds within the San Diego basin are the preferred habitat for this low-growing, conspicuous shrub. If found in the understory of riparian vegetation, the canopy is typically open, allowing substantial sunlight to reach this plant. Sandy alluvial embankments with cobbles are also frequently utilized. During the 2003 surveys, relatively dense populations of this species were found both west and east of SR-163. A smaller population was also found west of I-805.
<i>Juncus acutus</i> ssp. <i>leopoldii</i> Southwestern Spiny Rush	NE	None/ None	4	1-2-1	G5T5	S3.2	Present	Southwestern spiny rush is typically found in marshes and brackish environments, as well as along drainages with riparian vegetation. A population was found at the westernmost boundary of the NRMP area during the 2003 surveys, in cismontane alkali marsh habitat, within the San Diego basin. Other populations were found east of SR-163 and west of I-805.
<i>Lepechinia cardiophylla</i> Heart-leaved Pitcher Sage	NE		1B	3-2-2	G2	S2.2	Present	Within San Diego County, it has only been reported from the Iron Mountain area which is located within the San Vicente basin. The Iron Mountain population was reported to be associated with relatively mature chaparral community.
<i>Machaeranthera juncea</i> (= <i>Haplopappus</i> <i>junceus</i> ) Rush-like Bristleweed	NE		4	1-1-1	G5	S3.3		Low-growing Chamise Chaparral or Diegan Sage Scrub is the preferred habitat of this inconspicuous subshrub. It has been reported in areas ranging from San Vicente basin to San Diego basin.
<i>Mimulus clevelandii</i> Cleveland's Bush Monkey Flower	NE		4	1-2-2	G3G4	S3.2		Chaparral and Lower Montane Coniferous Forest are both utilized by this species. Species has been reported from Otay Mountain and locally on Black Mountain-Lusardi in the San Diego basin.
<i>Monardella hypoleuca</i> <i>lanata</i> Felt-leaved Monardella	CS		1B	2-2-2	G4T2	S2.2	Present	In San Diego County, this species is closely associated with the metavolcanic formed mountains from Otay Mountain in the south up through the Santa Margarita Mountains in northwest Camp Pendleton. It is also found on granitic outcroppings. Within the San Diego River watershed, it is known from Cuyamaca Peak, in the El



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								Capitan Management Area, and El Capitan Mountain in the San Diego Management Area.
<i>Monardella linoides</i> Willow Monardella	NE		1B	2-3-2	G5T2	S2.1		A small sub-shrub is most often found in open seasonally dry wash habitats containing sparse vegetation and substrate with gravel and cobble. Within San Diego River watershed it has been identified from Sycamore Canyon near Gooden Ranch in the San Diego Management Area.
<i>Muilla clevelandii</i> San Diego Goldenstar	CS	None/ None	1B	2-3-2	G2	S2.2	Present	Within the San Diego Management Area, habitat includes chaparral, coastal scrub, valley and foothill grassland, and vernal pools/clay with an elevation ranging from 50-465 meters.
<i>Myosurus minimus</i> var. <i>apus</i> Little Mouse-tail	CS	FSC/ None	3	2-3-2	G5T2 Q	S2.2	Present	Within the San Diego Management Area, habitat includes valley and foothill grassland and vernal pools (alkaline) at an elevation of 20-640 meters.
<i>Navarretia peninsularis</i> Baja Navarretia	NE		1B	2-2-2	G3?	S2.2	Present	Within the El Capitan Management Area, habitat consists of openings in chaparral and lower montane coniferous forest/mesic areas from 1500-2300 meters.
<i>Navarretia prostrata</i> Prostrate Navarretia	NE		1B	2-3-3	G2?	S2.1?		This small annual is restricted to vernal pools. Of the plants that are adapted to shallow ephemeral pools, this species grows around the mid levels of the larger pools to the bottom of the smaller more shallows pools. Within the San Diego River watershed it occurs in the pools associated with the Mission Trails Regional Park within the San Diego Management Area.
<i>Orcuttia californica</i> California Orcutt Grass	CS		1B	3-3-2	G2	S2.1		An annual of vernal pools that does not show much growth until the basins are in the latter stages of drying out. It also tends to grow in the wetter portions of the pool.
<i>Phacelia stellaris</i> Brand's Phacelia	NE	None/ None	1B	3-3-2	G1G2	S1.1	Potentially present	Habitat consists of coastal dunes and sandy openings in sage scrub near the coast. Although this species was not observed during the 2003 surveys, it has been historically collected from sites in the bed of the San Diego River, which are probably no longer extant. It also has been reported near Old Town, which is located within the San Diego Management Area.
<i>Quercus engelmannii</i> Engelmann Oak	NE		4	1-2-2	G3	S3.2		Within the San Diego River watershed, this oak is found in the eastern portions of the San Diego and San Vicente



Scientific Name Common Name	Subarea Plan Status	Fed/State Status	CNPS		NDDB Rank		On-site Status	Notes
			List	R-E-D Code	Global	CA		
								Management Areas, and the western portion of the El Capitan Management Area. In certain the trees can be relatively abundant in areas such as near Mesa Grande, on Rancho Cuca, on Guejito Ronch, and on Camp Pendleton. Records exist for this oak in the area of south Ramona within the San Vicente Management Area.
<i>Quercus dumosa</i> Nuttall's Scrub Oak	NE	None/ None	1B	2-3-2	G2	S1.1	Potentially present	Habitat consists of coastal chaparral typically with a relatively open canopy cover. Although the NRMP area lacks suitable habitat for this species and it was not observed during the 2003 surveys, it has been historically collected from the Mission Valley area, within the San Diego Management Area. This species is also frequently found in disturbed, urban canyons; thus, the potential presence of this species should not be discounted.
<i>Satureja chandleri</i> San Miguel Savory	CS		1B	2-2-2	G4	S3.2?	Present	This small herbaceous shrub is found most often on gabbroic and metavolcanic derived soils in chaparral and oak woodlands. A population was identified from Borona Valley area within the San Vicente Management Area.
<i>Scutellaria bolanderi</i> ssp. <i>austromontana</i> Southern Skullcap		None/ None	1B	2-2-3	G4T2	S2.2?	Present	Exists in the El Capitan Management Area. Habitat consists of chaparral, cismontane woodland, and lower montane coniferous forest with an elevation between 600-2000 meters.
<i>Solanum tenuilobatum</i> Narrow-leaved Nightshade	CS		rejected	rejected			Present	Most often found in association with open Chamise chaparral or Diegan Coastal sage Scrub. The majority of plants are found on Otay Mountain, however, small populations are known from the greater Alpine area that includes a portion of the San Diego River watershed within the El Capitan Management Area.
<i>Suaeda esteroa</i> Estuary Seablite	NE	None/ None	1B	2-2-2	G4	S3.2	Potentially present	Typically found along the periphery of coastal salt marsh habitat. Although the NRMP area lacks suitable habitat for this species and it was not observed during the 2003 surveys, it is known to occur in Mission Bay, within the San Diego Management Area, and thus, could potentially be found in the westernmost section of the NRMP area.
<i>Tetracoccus dioicus</i> Parry's Tetracoccus			1B	3-2-2	G3	S2.2	Present	A species of dry open slopes with low-growing Chamise chaparral with a limited range in south San Diego County. Within the San Diego River watershed it is known from



Scientific Name Common Name	Subarea Plan Status	Fed/State Status	CNPS		NDDB Rank		On-site Status	Notes
			List	R-E-D Code	Global	CA		
								near Klondike creek along Wildcat Canyon Road and in Borona Valley within the San Vicente Management Area.

**Plant Sensitivity Codes**

California Native Plant Society (CNPS) List

- 1 = Plants of highest priority.
- 1A = Species presumed extinct in California.
- 1B = Species rare, threatened, or endangered in California and elsewhere. These species are eligible for state listing.
- 2 = Species rare, threatened, or endangered in California but which are more common elsewhere. These species are eligible for state listing.
- 3 = Species for which more information is needed. Distribution, endangerment, and/or taxonomic information is needed.
- 4 = A watch list of species of limited distribution. These species need to be monitored for changes in the status of their population.

California Native Plant Society (CNPS) R-E-D (Rarity-Endangerment-Distribution) Codes

- R: 1 = Rare, but found in sufficient numbers and distributed widely enough that the potential for extinction is low at this time.
- R: 2 = Occurrence confined to several populations or to one extended population.
- R: 3 = Occurrence limited to one or a few highly restricted populations, or present in such small numbers that it is seldom reported.
- E: 1 = Not endangered. D: 1 = More or less widespread outside California.
- E: 2 = Endangered in a portion of its range. D: 2 = Rare outside California.
- E: 3 = Endangered throughout its range. D: 3 = Endemic to California.

Natural Diversity Database Global Rank

- G1 = Less than 6 viable element occurrences (Eos) OR less than 1,000 individuals OR less than 2,000 acres.
  - G2 = 6-20 Eos OR 1,000-3,000 individuals OR 2,000-10,000 acres.
  - G3 = 21-100 Eos OR 3,000-10,000 individuals OR 10,000-50,000 acres.
  - G4 = Apparently secure; this rank is clearly lower than G3 but factors exist to cause some concern; i.e., there is some threat, or somewhat narrow habitat.
  - G5 = Population or stand demonstrably secure to ineradicable due to being commonly found in the world.
- Subspecies receive a T-rank attached to the G-rank. With the subspecies the G-rank reflects the condition of the entire species, whereas the T-rank reflects the global situation of just the subspecies or variety.

Natural Diversity Database State Rank

- S1 = Less than 6 Eos OR less than 1,000 individuals OR less than 2,000 acres; S1.1 = very threatened; S1.2 = threatened; S1.3 = no current threats known.
- S2 = 6-20 Eos OR 1,000-3,000 individuals OR 2,000-10,000 acres; S2.1 = very threatened; S2.2 = threatened; S2.3 = no current threats known.
- S3 = 21-100 Eos OR 3,000-10,000 individuals OR 10,000-50,000 acres; S3.1 = very threatened; S3.2 = threatened; S3.3 = no current threats known.
- S4 = Apparently secure within California; this rank is clearly lower than S3 but factors exist to cause some concern; i.e. there is some threat, or somewhat narrow habitat. NO THREAT RANK.
- S5 = Demonstrably secure to ineradicable in California. NO THREAT RANK.



**APPENDIX C**

**SENSITIVE FAUNAL SPECIES KNOWN FROM THE SAN DIEGO RIVER  
WATERSHED**

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## Sensitive Faunal

Scientific Name	Common Name	Habitat	Federal Status	State/ CDFG Status	Status On-site
Invertebrates					
<i>Danaus plexippus</i>	Monarch	Roosts are located in wind-protected tree groves (eucalyptus ( <i>Eucalyptus spp.</i> ), Monterey pine ( <i>Pinus radiata</i> ) and cypress ( <i>cypress spp.</i> )) with nectar and water sources nearby	None	SA	Presidio Park in Old Town San Diego in the San Diego Management Area is a regular wintering location for the Monarch.
Amphibians					
<i>Ensatina eschscholtzi klauberi</i>	Large-blotched Ensatina	Oak woodlands, mixed chaparral, and mixed coniferous forests with an abundance of surface litter	FSC	CSC	Within the San Diego River watershed, they are found in the Cuyamaca Mountains in the El Capitan Management Area.
<i>Tricha torosa torosa</i>	California Newt		None	CSC	Within the San Diego River watershed, California Newts are known from Boulder and cedar Creek systems in El Capitan Management Area.
<i>Spea hammondi</i>	Western Spadefoot	Prefers sandy or gravelly soil in grasslands, sage scrub, open chaparral, and pine-oak woodlands; grasslands with shallow temporary pools are optimal	FSC	CSC, Protected	Despite the destruction of the low gradient topography close to the coast due to urbanization, population still exists in intact habitats at the southeast portion of Miramar Air Station & Mission Trails Regional Park up through the drainage channels above San Vicente and El Capitan Reservoirs.
<i>Clemmys marmorata pallida</i>	Southern Pacific Pond Turtle	Permanent or nearly permanent bodies of water below 600 ft. Require basking sites such as partially submerged logs, vegetation mats or open mud banks.	FSC	CSC	Historically the Western Pond Turtle occurred in the main channel as well the tributaries of the San Diego River. Currently they are only found in the San Diego River, Cedar Creek and Boulder Creek, all above El Capitan Reservoir in the El Capitan Management Area.
Reptiles					
<i>Coleonyx variegatus abbotti</i>	San Diego Banded Gecko	Areas of rock outcrop within sage scrub and chaparral	FSC	SA	Populations are known occur in the eastern portion of the San Diego Management Area, the San Vicente, and the western portion of the El Capitan Management Area.



Scientific Name	Common Name	Habitat	Federal Status	State/CDFG Status	Status On-site
<i>Phrynosoma coronatum bainvillii</i>	San Diego Horned Lizard	Chaparral, sage scrub, oak woodlands, and grasslands; sometimes occurs along seldom used dirt roads where native ant species are prevalent	FSC	CSC, Protected	Despite the loss of preferred habitat due to expanding urbanization, populations still occur in the eastern portion of the San Diego Management Area, as well as the San Vicente and El Capitan Management Areas.
<i>Eumeces skiltonianus interparietalis</i>	Coronado Skink	Variety of habitats including grasslands, sage scrub, and various woodlands including oak, pine, juniper, and riparian	FSC	CSC	Widespread and common in natural habitats and urban edge sites in the San Diego, San Vicente, and El Capitan Management Areas.
<i>Cnemidophorus hyperythrus</i>	Orange-throated Whiptail	Sage scrub (and chaparral), prefers sandy areas with patches of brush and rocks; may be associated with buckwheat and Black Sage	FSC	CSC, Protected	Despite the loss of preferred habitat due to expanding urbanization, populations still occur in the eastern portion of the San Diego Management Area, the San Vicente, and the western portion of the El Capitan Management Area.
<i>Cnemidophorus tigris multiscutatus</i>	Coastal Western Whiptail	Coastal Sage Scrub, chaparral, and grasslands	FSC	SA	Populations still occur in the eastern portion of the San Diego Management Area, the San Vicente, and the El Capitan Management Area.
<i>Sceloporus graciosus vandenburgianus</i>	Southern Sagebrush Lizard	Occurring from about 4000 feet and above in the Southern California region. Found in areas with open ground and sparse vegetation.	None	SA	Found on the upper slopes of Cuyamaca Mountains in the eastern portion of the El Capitan Management Area.
<i>Anniella pulchra pulchra</i>	Silvery Legless Lizard	Shows a preference for areas of leaf litter and loose soil along washes, beach sand dunes, open scrub and woodland, and sandy benches along alluvial fans.	FSC	CSC	Widely distributed but localized in occurrence in coastal sandy strand and dune habitats. Inland populations are less common and closely associated with patches of friable soils of low gradient.
<i>Lichanura trivirgata roseofusca</i>	Coastal Rosy Boa	Rocky outcrop areas within chaparral and sage scrub.	FSC	SA	Historically the snakes occurred from near the coast up to the lower slopes of the mountains. In natural undisturbed habitats, snakes still occur at 'natural' population levels, while populations along urban edges and in well visited reserves, seem to either lack the snake or are found at low population levels. Now only occurring in the eastern portion of the San Diego Management Area, due to, habitat loss, throughout the San



Scientific Name	Common Name	Habitat	Federal Status	State/CDFG Status	Status On-site
					Vicente Management Area, and the lower elevations of the El Capitan Management Area.
<i>Diadophis punctatus similis</i>	San Diego Ringneck Snake	Chaparral, forest, and grasslands, most common in moist, rocky areas	None	SA	Thought to naturally occur in low population densities where found. Known to occur from the coastal areas up through the foothill to the lower elevations of the mountains, encompassing the San Diego, San Vicente, and El Capitan Management Areas.
<i>Salvadora hexalepis virgultea</i>	Coast Patch-nose Snake	Sage scrub and Chaparral; may require mammal burrows or woodrat nests for overwintering.	FSC	CSC	Known to occur from the coastal areas up through the foothill to the lower elevations of the mountains, encompassing the San Diego, San Vicente, and El Capitan Management Areas.
<i>Lampropeltis zonata pulchra</i>	San Diego Mountain Kingsnake	Occurs below edge of mixed oak-coniferous forest in riparian woodlands, usually in canyon bottoms in riparian vegetation. Rocks and rocky outcrops are an important element. In the interior ranges it occurs in association with ponderosa, Jeffrey and Coulter pine as well as black oak.	None	CSC	Restricted to the higher elevations of San Diego County and known to occur in the eastern half of El Capitan Management Area.
<i>Thamnophis hammondi</i>	Two-striped Garter Snake	Associated with semi-permanent and permanent bodies of water in a variety of habitats; requires a relatively dense riparian border	None	CSC, Protected	This snake is closely associated with quiet to slow moving waters. Historically, this snake was found along the majority of drainages in the county. Currently, it is only found in fairly undisturbed wetlands with few/none non-indigenous aquatic predatory species that compete for food resources. Now, mainly found in the eastern portion of the San Diego basis, and throughout the San Vicente and El Capitan Management Areas.
<i>Crotalus ruber ruber</i>	Northern Red Diamond Rattlesnake	Occupies rocky outcrops and areas of heavy brush or rugged terrain in chaparral, sage scrub, or desert scrub on both coastal and desert slopes, usually below 4000 feet	FSC	CSC	Currently, it is known from the eastern portion of the San Diego basis, the San Vicente Management Area, and the lower elevation of the El Capitan Management Area.
Birds					
<i>Accipiter cooperii</i>	Cooper's Hawk	Oak, riparian deciduous or other woodland habitats usually near water.	None	CSC	Permanent resident throughout dense woodland areas of watershed. Will



Scientific Name	Common Name	Habitat	Federal Status	State/CDFG Status	Status On-site
					occasionally forage other habitats.
<i>Accipiter striatus</i>	Sharp-shinned Hawk	Mixed woodlands near open areas, prefers but not restricted to riparian habitats.	None	CSC	Uncommon migrant and winter visitor throughout watershed but mostly dense woodland. Will occasionally forage other habitats. As migratory species, more likely than Cooper's Hawk to forage other habitats.
<i>Agelaius tricolor</i>	Tricolored Blackbird	Feeds in grasslands and croplands, breeds near freshwater preferably in marshes or other emergent wetlands. Colonial nester.	FSC	CSC	Common but highly transient species with no well-documented nest colonies in watershed. Breeding restricted to standing or slow-moving water with surrounding native wetland vegetation (e.g., <i>Scirpus</i> and <i>Typha</i> spp.). Expected to occur along San Diego River near Santee, and a few sites downstream.
<i>Aimophila ruficeps canescens</i>	Southern California Rufous-crowned Sparrow	Rocky hillsides supporting sparse, low scrub or chaparral, sometimes mixed with grasses.	FSC	CSC	Common permanent resident at all but highest elevations of San Diego River watershed. Preference of rocky slopes of coastal sage scrub vegetation limits distribution.
<i>Ammodramus savannarum</i>	Grasshopper Sparrow	Occurs in native grassland or mixed grassland/sage scrub. Good indicators are extensive stands of Blue-eyed-grass ( <i>Sisyrinchium bellum</i> ) and Common Goldenstar ( <i>Bloomeria crocea</i> ).	None	SA	Rare breeding resident on remaining large grasslands and open grassy slopes (e.g., Barona Valley, Ramona grasslands, and Mission Trails Regional Park).
<i>Amphispiza belli belli</i>	Bell's Sage Sparrow	Chaparral (e.g. Chamise chaparral) and sage scrub; areas on relatively flat terrain appear to be preferred.	FSC	CSC	Uncommon permanent resident on large patches of mid-height, mixed and Chamise chaparral (e.g., Barona Mesa, Mt. Gower Open Space Preserve, and Mission Trails Regional Park). Height and density of stand appear related to distribution.
<i>Aquila chrysaetos</i>	Golden Eagle	Mountainous or hilly terrain; forages grasslands, deserts, and shrubby habitats.	None	CSC, Protected	Permanent resident but population augmented by migrant and wintering individuals. Primarily inland species requiring isolation and rugged terrain but occasional wintering individuals (usually subadult) seen near the coast.



Scientific Name	Common Name	Habitat	Federal Status	State/CDFG Status	Status On-site
<i>Ardea herodias</i>	Great Blue Heron	Shoreline and wetland-foraging generalist. Will also forage in flat upland habitats near water. Generally, colonial nester with rookeries located in tall trees near water.	None	Sensitive	Uncommon non-breeding visitor. Forages margins of large water bodies with adequate shoreline (e.g., Lake Cuyamaca). May also utilize moist uplands (e.g., Ramona grasslands). No known breeding within watershed.
<i>Athene cunicularia</i>	Burrowing Owl	Open dry grasslands, agricultural, rangelands and desert habitats. Also, open-space margins of airports, golf courses, and vacant urban lots.	FCS	CSC	Extirpated as permanent resident within watershed but may occur as migrant or wintering on any flat, sparsely vegetated site.
<i>Buteo regalis</i>	Ferruginous Hawk	Dry, open habitats, typically grasslands. Typically interior grasslands of San Diego County.	FSC	CSC	Uncommon migrant and wintering visitor to central and eastern areas of watershed. Forages large open grasslands (e.g., Ramona).
<i>Campylorhynchus brunneicapillus sandiegensis</i>	San Diego Cactus Wren	Coastal subspecies nests in scattered cactus among Diegan Coastal Sage Scrub at limited locations.			Rare localized permanent resident restricted to Lake Jennings County Park and upper Oak Canyon, USMCAS Miramar.
<i>Cathartes aura</i>	Turkey Vulture	Open habitats with protected large trees, snags, rock outcrops, or cliffs for nesting	None	None	Uncommon migrant and winter visitor, rare breeding resident within watershed.
<i>Circus cyaneus</i>	Northern Harrier	Grassland, agricultural fields, fresh and saltwater marshes. Also forages semi-open sage scrub habitats.	None	CSC	Localized breeding resident as well as migrant and winter visitor. Expected locations include Lake Cuyamaca, Barona Valley, Ramona grasslands, and semi-open habitats along lower portion of San Diego River.
<i>Contopus cooperi</i>	Olive-sided Flycatcher	Variety of forest and woodland habitats in mountain zones.	FSC	SA	Uncommon breeding resident restricted to high-elevation coniferous woodlands of Cuyamaca Mts.
<i>Egretta rufescens</i>	Reddish Egret	Salt marshes and tidal mudflats. Species is expanding range from west coast of Mexico into San Diego County area and still considered rare although increasing.			Records of occurrence within watershed from Famosa Slough and San Diego River Estuary.
<i>Elanus leucurus</i>	White-tailed Kite	Grasslands, agricultural fields, and open habitats with areas of dense deciduous trees for nesting.	FSC	Protected	Breeding resident throughout watershed but nesting restricted to areas of large trees. Forages grassland and coastal sage scrub.
<i>Eremophila</i>	California Horned Lark	Grasslands, disturbed areas and open	None	CSC	Breeding resident, migrant, and winter visitor.



Scientific Name	Common Name	Habitat	Federal Status	State/CDFG Status	Status On-site
<i>alpestris actia</i>		Habitats with sparse, low vegetation.			Most frequent in watershed area as migrant or wintering individuals. Expected locations include Lake Cuyamaca, Ramona grasslands, Barona Valley, and any large, flat, open space.
<i>Falco columbarius</i>	Merlin	Agricultural fields, grasslands, and mudflats. Winter visitor to the San Diego County area.	None	CSC	Rare migrant and winter visitor throughout watershed. Shows foraging preference in San Diego County for larger, more open habitats. Migrating shorebirds are frequent prey and attract this species.
<i>Falco mexicanus</i>	Prairie Falcon	Open grassland, agricultural fields, desert scrub, and mid-elevation rocky terrain.	None	CSC	Rare breeding resident, migrant and winter visitor to inland portions of watershed. Breeding locations in remote, rugged terrain (e.g., Eagle Pk.). Occasionally forages near Lake Cuyamaca, Ramona grasslands, and Barona Valley.
<i>Falco peregrinus anatum</i>	American Peregrine Falcon	Most frequent along or near coast around mudflats, shores or ponds	Delisted FSC	SE / Protected	Rare breeding resident in county; no known breeding sites within watershed. Expected as migrant but coastal nesting individuals may frequent San Diego River Estuary. Migrating shorebirds are frequent prey and attract this species.
<i>Icteria virens</i>	Yellow-breasted Chat	Riparian woodland/scrub with dense undergrowth	None	CSC	Uncommon breeding resident and migrant. Restricted to dense riparian woodland (e.g., San Diego River near Santee).
<i>Ixobrychus exilis</i>	Least Bittern	Brackish and freshwater marshes.	None	SA	Rare breeding resident restricted to standing water with surrounding native wetland vegetation (e.g., <i>Scirpus</i> and <i>Typha</i> spp.). Known locations are along San Diego River near Santee and historically a few sites downstream.
<i>Lanius ludovicianus</i>	Loggerhead Shrike	Grassland or open habitats with bare ground and sparse shrub and/or tree cover for nesting and perching	FSC	CSC	Formerly common breeding resident now uncommon within watershed. Distribution is limited to habitat at mid and low-elevation.
<i>Melanerpes lewis</i>	Lewis' Woodpecker	Open oak savannas, broken deciduous and coniferous habitats	FSC	SA	Uncommon migrant and winter visitor to open woodland. Occurs mostly from mid to highest elevations within watershed (e.g., Lake Cuyamaca and Pine Hills)



Scientific Name	Common Name	Habitat	Federal Status	State/CDFG Status	Status On-site
<i>Numenius americanus</i>	Long-billed Curlew	Tidal mudflats and marshes.			Uncommon migrant and winter visitor to San Diego River Estuary and Famosa Slough.
<i>Pandion haliaetus</i>	Osprey	Coastal and inland bodies of water.	None	CSC	Uncommon winter and year-round non-breeding visitor to large bodies of water but occurs frequently along the San Diego River Estuary. Two known breeding sites in the county are outside watershed.
<i>Phalacrocorax auritus</i>	Double-crested Cormorant	Coastal bays, lagoons, and estuaries, and inland lakes.	None	CSC	Common year-round visitor to San Diego River Estuary and Famosa Slough. Breeding colonies outside watershed.
<i>Poliophtila californica</i>	California Gnatcatcher	Diegan Coastal Sage Scrub. Occurs infrequently as dispersant, or in winter, among bordering habitats.	FT	CSC	Uncommon permanent resident within lower-half of watershed (e.g., Poway) west side of San Vicente Reservoir, and Lake Jennings.
<i>Sialia mexicana</i>	Western Bluebird	Open woodlands, farmlands, and orchards. Obligate cavity nester.	None	None	Common but localized breeding resident, migrant and winter visitor. Prefers woodland edges and open groves. Tends to become more common at mid to higher elevation but can occur throughout watershed.
<i>Sterna antillarum browni</i>	California Least Tern	Sandy ocean beaches, drying margins of lagoons, tidal mudflats and salt pond levees.	FE	SE / Protected	Common summer visitor to San Diego River Estuary and Famosa Slough. Breeding colonies outside of watershed.
<i>Sterna elegans</i>	Elegant Tern	Coastal estuaries, salt ponds, and coastal bays.	FSC	CSC	Common migrant and summer visitor to San Diego River Estuary and Famosa Slough. Breeding colonies outside of watershed.
<i>Strix occidentalis occidentalis</i>	California Spotted Owl	Dense old growth coniferous woodlands, and oak woodlands.	FSC	CSC	Rare permanent resident at highest elevations. Population limited to a few pairs on drainages that provide water and extensive canopy cover (e.g., Cuyamaca Mts., several locations).
Mammals					
<i>Myotis yumanensis</i>	Yuma Myotis	Utilizes multiple habitats (primarily woodlands and forests) but forages over water	FSC	CSC	Roosts in buildings and in rock crevices. This bat is a common and occurs in the San Diego, San Vicente, and El Capitan Management Areas.
<i>Myotis thysanodes</i>	Fringed Myotis	Uses multiple habitats for roosting (mainly crevices), feeds in coniferous forests	FSC	SA	Restricted to the higher elevations of San Diego County. Found in the Pine-Oak woodlands of the El Capitan Management



Scientific Name	Common Name	Habitat	Federal Status	State/CDFG Status	Status On-site
					Area.
<i>Myotis volans</i>	Long-legged Myotis	Uses multiple habitats for roosting (mainly crevices), feeds in coniferous forests	FSC	SA	Restricted to the higher elevations of San Diego County. Found in the Pine-Oak woodlands of the El Capitan Management Area.
<i>Myotis ciliolabrum</i>	Western Small-footed Myotis	Uses a variety of habitats, prefers open stands in forests/woodlands, brushy habitats, and riparian areas	FSC	SA	Generally widespread and occurs in the higher elevations of the county.
<i>Euderma maculatum</i>	Spotted Bat	Roosts in high rocky cliffs, forages in riparian and edge habitats	FSC	CSC	Rare, possibly occupying the high steep rocky granite cliffs associated with El Cajon Mountain in the far eastern portions of the San Diego and San Vicente Management Areas, and/or Mildred Falls on Ritchie Creek in El Capitan Management Area.
<i>Antrozous pallidus</i>	Pallid Bat	Utilizes open forest, sparsely vegetated washes, and grassland habitats for feeding and multiple habitats for roosting.	None	CSC	Historical records exist for Lakeside within the San Diego Management Area. Likely to occur above El Capitan Reservoir in open flat wash or terrace habitats.
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat	Cliff rooster, feeds in multiple habitats. In southern California, they are found in the arid lowlands.	None	CSC	This bat is a common and occurs in the San Diego, San Vicente, and El Capitan Management Areas closely associated with rocky cliffs.
<i>Nyctinomops macrotis</i>	Big Free-tailed Bat	Cliff rooster, prefers rugged, rocky canyons, feeds in multiple habitats including over water.	None	CSC	This bat is a common and occurs in the San Diego, San Vicente, and El Capitan Management Areas closely associated with rocky cliffs. Thought to be a fall, winter, spring migrant only.
<i>Eumops perotis californicus</i>	Greater Western Mastiff Bat (see California Mastiff Bat in report text)	Extensive open areas with abundant roost locations in rock outcrops, (found where oaks and chaparral occur).	FSC	CSC	This bat is a common and occurs in the San Diego, San Vicente, and El Capitan Management Areas closely associated with rocky cliffs. Considered a fall, winter, and spring migrant only. Roosts within San Vicente and El Capitan Management Area. Forage long distances, including to the coast.
<i>Lasiurus blossevillii</i>	Western Red Bat	Occurs in CA in coastal lowlands and roosts in large shrubs and fruit trees.	None	SA	Known to occur along the San Diego River in Mission Trails Regional Park in the San Diego Management Area. Strongly associated with riparian vegetation.



Scientific Name	Common Name	Habitat	Federal Status	State/ CDFG Status	Status On-site
<i>Lasiurus cinereus</i>	Hoary Bat		None	SA	Known to occur along the San Diego River in Mission Trails Regional Park in the San Diego Management Area. Strongly associated with riparian vegetation.
<i>Lepus californicus bennettii</i>	San Diego Black-tailed Jackrabbit	Relatively open chaparral and sage scrub and grasslands.	FSC	CSC	Distribution is highly localized. Known to occur in the San Diego River Watershed in the coastal foothill, inland foothill, and inland valleys.
<i>Chaetodipus fallax fallax</i>	Northwestern San Diego Pocket Mouse	Found in Coastal sage scrub.	FSC	CSC	Known to occur in the San Diego and San Vicente Management Areas.
<i>Chaetodipus fallax pallidus</i>	Pallid San Diego Pocket Mouse	Rocky, gravelly areas with a yucca overstory and in desert scrub near or in the pine-juniper belt	None	CSC	Records occur for the drier habitats of the foothill region of the San Diego, San Vicente Management Areas.
<i>Neotoma lepida intermedia</i>	San Diego Desert Woodrat	Chaparral, particularly abundant in areas of rock outcrops	FSC	CSC	Expected to occur in the San Diego River Watershed in the coastal foothill, inland foothill, and inland valleys.
<i>Onychomys torridus ramona</i>	Southern Grasshopper Mouse	Variety of habitats, including grasslands, sage scrub and chaparral, where friable soils occur	FSC	CSC	Historically occurred in highly localized populations of the foothill region of the San Diego, San Vicente Management Areas.
<i>Taxidea taxus</i>	American Badger	Grasslands and open scrub habitats.	None	SA	Expected to occur in the inland valley within the San Diego River watershed. Historical Record for El Cajon.
<i>Bassariscus astutus</i>	Ringtail	Chaparral or forested habitat in close association with rock outcrops and riparian habitat.	None	Protected	Expected to occur within eastern San Diego County. May occur within this portion of the San Diego River Watershed.
<i>Puma concolor</i>	Mountain Lion	Chaparral or woodland habitats with requisite areas of riparian vegetation and interspersions of rock outcrops and irregular terrain where deer are present.	None	Protected	Known to frequent the San Diego (eastern portion), and the San Vicente and El Capitan Management Areas.

FE - federally endangered, FT - federally threatened, FSC - federal species of concern, SE - state endangered, ST - threatened, CSC - state (California) species of concern, SA - state (California) Special Animal list.

Nomenclature Sources: Opler and Wright 1999, Hendrickson 1998 Crother 2001, AOU 1983, AOU 2002, Wilson and Reeder 1993; Status Sources: USFWS 1999 and 2003<sup>2</sup>, CDFG 2003<sup>1</sup> and 2003<sup>2</sup>; Status On-site Sources: USFWS GIS metadata 2003, CDFG 1997 (2003 data).



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## **APPENDIX D**

### **LAWS AND REGULATIONS REGARDING CULTURAL RESOURCES**

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## LAWS AND REGULATIONS REGARDING CULTURAL RESOURCES

In the County of San Diego, adverse impacts to cultural resources are primarily addressed in the California Environmental Quality Act (CEQA), San Diego Register of Historic Districts, San Diego County Resource Protection Ordinance (RPO), and Conservation Element (Part X) of the San Diego County General Plan. Additional federal and state regulations and policies apply for the protection of cultural resources. The following outlines the regulations and policies that have been adopted at the federal, state, and local levels (County of San Diego 2003).

### 1.3.1 FEDERAL LAWS AND REGULATIONS

#### **Curation of Federally-Owned and Administered Archeological Collections**

[36 CFR Part 79, <http://www.cr.nps.gov/aad/tools/36cfr79.htm>]

Government-wide regulations for the curation and care of federal archeological collections required by NHPA, the Reservoir Salvage Act, and ARPA. These regulations establish procedures and guidelines to manage and preserve collections. They also include terms and conditions for federal agencies to include in contracts and Memorandums of Agreement (MOA) with non-federal repositories.

#### **American Antiquities Act of 1906**

[16 USC §431-433, <http://www.cr.nps.gov/local-law/anti1906.htm>]

The Federal Antiquities Act of 1906 states that the government, acting for the people, should protect archaeological and historical sites and any object of antiquity, and preserve them for public availability. It forbids the disturbance of objects of antiquity on federal lands without a permit issued by the responsible agency. This Act established criminal sanctions for the unauthorized use or destruction of antiquities.

#### **Historic Sites, Buildings, Objects, and Antiquities Act of 1935**

[16 USC §461-467, <http://www4.law.cornell.edu/uscode/16/ch1AschII.html>]

The Historic Sites Act of 1935 states that it is the national policy to preserve for the public use historic sites, properties, buildings, and objects of national significance. It gives the National Park Services (through the Secretary of the Interior) broad powers to execute this policy, including criminal sanctions, on both federal and non-federal lands. This Act also set up an advisory board to aid the Secretary of the Interior in implementing this Act.

**Reservoir Salvage Act of 1960**

[16 USC §469-469c, <http://www4.law.cornell.edu/uscode/16/469.html>]

The Reservoir Act of 1960 requires the Secretary of the Interior to institute an archaeological salvage program in connection with federally funded reservoir programs requiring the responsible agencies to comply with this program.

**Department of Transportation Act of 1966**

[49 USC §303, <http://www4.law.cornell.edu/uscode/49/303.html>]

The Department of Transportation Act of 1966 requires the Secretary of Transportation to cooperate and consult with the Secretaries of Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities. The Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife refuge of national, state, or local significance, or land of an historic site of national, state, or local significance only if (1) there is no prudent and feasible alternative to using that land and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife, and waterfowl refuge, or historic site resulting from the use.

**National Historic Preservation Act of 1966**

[16 USC §470 et seq., <http://www4.law.cornell.edu/uscode/16/ch1AschII.html>]

The Historic Preservation Act of 1966 expands the National Register to include sites of not only national, but also local significance, and authorizes the program of matching funds for their acquisition and preservation. It establishes the Advisory Council on Historic Preservation to help implement and monitor this Act.

**National Environmental Policy Act of 1969**

[42 USC §4321, <http://es.epa.gov/oeca/ofa/nepa.html>]

The National Environmental Policy Act (NEPA) of 1969 requires that cultural resources be considered in assessing the environmental impact of proposed federal projects.

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### **National Marine Sanctuaries Act of 1972**

[16 USC §1431, <http://www4.law.cornell.edu/uscode/16/1431.html>]

The National Marine Sanctuaries Act of 1972 enacted a federal program that establishes areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed by the National Marine Sanctuary System to (1) improve the conservation, understanding, management, and wise and sustainable use of marine resources; (2) enhance public awareness, understanding, and appreciation of the marine environment; and (3) maintain for future generations the habitat, and ecological services, or the natural assemblage of living resources that inhabit these areas.

### **Coastal Zone Management Act of 1972**

[16 USC §1451, <http://www4.law.cornell.edu/uscode/16/1451.html>]

The Coastal Zone Management Act of 1972 identifies that there are important ecological, cultural, historic, and esthetic values in the coastal zone that are essential to the well-being of all citizens that are being irretrievably damaged or lost. This Act determined that it is National Policy (1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations and (2) to encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development.

### **Archaeological and Historical Preservation Act of 1974**

[16 USC §469-469c, <http://www4.law.cornell.edu/uscode/16/469.html>]

The Archaeological and Historical Preservation Act of 1974 amends the Reservoir Salvage Act of 1960 to include all federal programs, which may impact cultural resources. It authorizes expenditure of program funds for salvage projects, and requires the Secretary of the Interior to report annually to Congress on the effectiveness of the program.

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**Federal Land Policy and Management Act of 1976**

[43 USC §35, <http://www4.law.cornell.edu/uscode/43/ch35schI.html>]

The Federal Land Policy and Management Act of 1976 directs the Bureau of Land Management (BLM) to manage lands on the basis of multiple use in a manner that will protect the quality of scientific, historical, and archaeological values. It provides guidelines for the acquisition and management of these resources.

**American Indian Religious Freedom Act of 1978**

[42 USC §1996 and §1996a, <http://www4.law.cornell.edu/uscode/42/1996.html>]

The American Religious Freedom Act of 1978 states that it is the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian including access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.

**Archaeological Resources Protection Act of 1979**

[16 USC §470aa-mm, <http://www4.law.cornell.edu/uscode/16/ch1B.html>]

The Archaeological Resources Protection Act of 1979 prohibits the unauthorized excavation, removal, or damage of archaeological resources on federal and Indian lands, and provides stiff penalties for violators.

**Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)**

[25 USC §3001-3013, <http://www4.law.cornell.edu/uscode/25/ch32.html>]

The Native American Graves Protection and Repatriation Act of 1990 conveys to American Indians, of demonstrated lineal descent, human remains and funerary or religious items that are held by federal agencies and federally-supported museums, or that have been recovered from federal lands. It also makes the sale or purchase of American Indian remains, “whether or not they derive from federal or Indian lands, illegal.”

**Intermodal Surface Transportation Efficiency Act of 1991**

[23 USC §101, 109, <http://www4.law.cornell.edu/uscode/23/101.html>,  
<http://www4.law.cornell.edu/uscode/23/109.html>]

The Intermodal Surface Transportation Efficiency Act of 1991 allows the Secretary of Transportation to approve a project for the National Highway System if the project is designed to (1) allow for the preservation of environmental, scenic, or historic values and (2) ensure safe use of the facility.

**American Battlefield Protection Act of 1996**

[16 USC 469k, <http://www4.law.cornell.edu/uscode/16/469k.html>]

The purpose of the American Battlefield Protection Act of 1996 is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

**National Register of Historic Places, 1981**

[36 CFR 60, <http://archnet.asu.edu/archnet/topical/crm/usdocs/36cfr60.html>]

The National Register is an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. Listing of private property on the National Register does not prohibit under federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.

**National Historic Landmarks Program, 1982**

[36 CFR 65, <http://lula.law.cornell.edu/cfr/cfr.php?title=36&type=part&value=65>]

The purpose of the National Historic Landmarks Program is to identify and designate national historic landmarks, and encourage the long range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. These regulations set forth the criteria for establishing national significance and the procedures used by the Department of the Interior for conducting the National Historic Landmarks Program.

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**Protection of Historic Properties, 1986**

[36 CFR 800] <http://lula.law.cornell.edu/cfr/cfr.php?title=36&type=part&value=800>

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

**Protection of Archaeological Resources, 1996**

[43 CFR 7, <http://www.cr.nps.gov/local-law/43cfr7.htm>]

These regulations implement provisions of the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm) by establishing the uniform definitions, standards, and procedures to be followed by all federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archaeological resources, taking into consideration provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996), through permits authorizing excavation and/or removal of archaeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for the preservation of archaeological resource collections and data, and through provisions for ensuring confidentiality of information about archaeological resources when disclosure would threaten the archaeological resources.

**Executive Order 11593 of May 13, 1971 – Protection and Enhancement of the Cultural Environment; Richard M. Nixon**

[36 FR 8921, <http://www.nara.gov/fedreg/codific/eos/e11593.html>]

Executive Order 11593 states that the federal government shall provide leadership in preserving, restoring, and maintaining the historic and cultural environment. It specifies that

all federal agencies shall institute inventories for historic and archaeological sites, and shall provide for their protection as specified by the Historic Preservation Act of 1966.

**Executive Order 12072 of August 16, 1978– Federal Space Management; Jimmy Carter [43 FR 36869, <http://www.nara.gov/fedreg/codific/eos/e12072.html>]**

Executive Order 12072 requires the consideration of cultural resources of all kinds in the context of urban centers. This order directs agencies to give priority to siting their activities in Central Business Areas (CBAs). It requires that both the positive and negative cultural effects be considered.

**Executive Order 13006 of May 21, 1996 - Locating Federal Facilities on Historic Properties in Our Nation’s Central Cities; William J. Clinton**

[61 FR 26071, <http://www.cr.nps.gov/local-law/eo13006.htm>]

Executive Order 13006 requires agencies to give priority consideration to using historic buildings in historic districts in CBAs.

**Executive Order 13007 of May 24, 1996 - Indian Sacred Sites; William J. Clinton**

[61 FR 26771, <http://www.cr.nps.gov/local-law/eo13007.htm>]

Executive Order 13007 requires each executive branch agency with statutory or administrative responsibility for the management of federal lands to accommodate access to, and ceremonial use of Indian Sacred Sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such places.

**Executive Order 13175 of November 6, 2000 - Government to Government Consultation; William J. Clinton**

[65 FR 67249, <http://www.epa.gov/fedrgstr/eo/eo13175.htm>]

Executive Order 13175 requires Government to Government (Federal to Indian Tribes) consultation when policies are formulated and undertaken that will have tribal implications. The consultation is to include whether to establish federal standards or any alternatives that would limit the scope of federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

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### **The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 1983**

[[http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm)]

Preservation planning is a process that organizes preservation activities (identification, evaluation, registration and treatment of historic properties) in a logical sequence. The purpose of the Standards are (1) to organize the information gathered about preservation activities; (2) to describe results to be achieved by federal agencies, States, and others when planning for the identification, evaluation, registration, and treatment of historic properties; and (3) to integrate the diverse efforts of many entities performing historic preservation into a systematic effort to preserve our nation's culture heritage. Local governments wishing to establish a comprehensive approach to the identification, evaluation, registration, and treatment of historic properties within their jurisdictions should use these standards and guidelines.

### **The Secretary of Interior's Standards for Rehabilitation, 1986**

[36 CFR 67, <http://www2.cr.nps.gov/tps/tax/rehabstandards.htm>]

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

### **The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995**

[36 CFR 68, <http://www2.cr.nps.gov/tps/stndguide/index.htm>]

The Secretary of the Interior's Standards for the Treatment of Historic Properties were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

### **1.3.2 STATE LAWS AND REGULATIONS**

#### **Native American Historical, Cultural, and Sacred Sites Act of 2001**

[PRC 5097.995-9097.996, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5097.995-5097.996>]

This act states that no public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require.

#### **California Native American Graves Protection and Repatriation Act of 2001**

[AB 978, <http://www.leginfo.ca.gov/cgi-bin/postquery>]

The California Native American Graves Protection and Repatriation Act of 2001 conveys to American Indians, of demonstrated lineal descendance, human remains and funerary items that are held by state agencies and museums.

#### **Historical Resources**

[PRC §5020-5029, <http://www.leginfo.ca.gov>]

PRC Section 5020-5029 details the duties of the State Historic Preservation Officer and the State Historical Resources Commission. Two categories (Registered Historical Landmark; Registered Point of Historical Interest) of designation are identified and sign requirements for each are detailed. In addition, state agencies are to formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction listed in or potentially eligible for inclusion in the National Register of Historic Places or registered or eligible for registration as a state historical landmark. Furthermore, details on the listing to the California Register of Historical Resources is discussed to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

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### **State Landmarks**

[PRC §5031-5033, <http://www.leginfo.ca.gov>]

PRC Section 5031-5033 outlines the characteristics of a “Qualified Historical Property”. Qualified properties include (1) individual sites having structures; (2) facades or portions of entire sites; and (3) historic districts if they are (a) the first, last, only, or most significant historical property of its type in the region; or (b) associated with an individual or group having a profound influence on the history of California; or (c) a prototype of, or an outstanding example of, a period, style, architectural movement, or construction, or if it is one of the more notable works, or the best surviving work, in a region of a pioneer architect, designer, or master builder; or (d) A property which is listed on the national register; (e) a property which is listed on a city or county register or inventory of historical or architecturally significant sites, places or landmarks, provided, that such property satisfies any of the requirements of a, b, or c above. "Qualified historical property" does not include individual sites without structures. A commercial operation in itself does not necessarily disqualify a landmark's registration. However, should a commercial enterprise by its physical development plans, or its proximity, impact, excessive use, or management philosophy so dilute or erode the significance of or quality of the landmark's integrity, then an adverse effect shall have occurred and its registration may be withdrawn.

### **California Heritage Fund**

[PRC §5079-5079.65, <http://www.leginfo.ca.gov>]

PRC Section 5079-5079.65 outlines the appropriate uses of the California Heritage Fund. The fund shall be available, upon appropriation by the Legislature, to implement laws providing for historical resource preservation, including, but not limited to, Section 5028 and Executive Order W-26-92, under criteria developed by the Office of Historic Preservation and adopted by the State Historical Resources Commission.

### **Archaeological, Paleontological and Historical Sites**

[PRC §5097-5097.6, <http://www.leginfo.ca.gov>]

PRC Section 5097-5097.6 outlines the requirements for cultural resource analysis prior to the commencement of any construction project on state lands. The state agency proposing the project may conduct the cultural resource analysis or they may contract with the State Department of Parks and Recreation. In addition, this section identifies that the unauthorized

disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and provides for criminal sanctions. Amended in 1987 to require consultation with the California Native American Heritage Commission whenever American Indian Graves are found. Violations for the taking or possessing remains or artifacts are felonies.

### **Native American Heritage**

[PRC §5097.9-5097.991, <http://www.leginfo.ca.gov>]

PRC Section 5097.9-5097.991 identifies that no public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of American Indian religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any American Indian sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. In addition this section details the composition and responsibilities of the Native American Heritage Commission.

CEQA of 1971 [California Code of Regulations, Guidelines for Implementation of CEQA, Appendix G, Title 14, Chapter 3 §15000-15387 and 21000-21178, <http://ceres.ca.gov/topic/envlaw/ceqa/guidelines/>]

The CEQA requires that cultural resources be considered when assessing the environmental impacts of proposed projects.

### **California Main Street Program**

[GC §15399-15399.8, <http://www.leginfo.ca.gov>]

GC Section 15399-15399.8 establishes the California Main Street Program to provide technical assistance and training for small cities' government, business organizations, and merchants and property owners to accomplish community and economic revitalization and development of older central business districts and neighborhoods. The techniques developed by the National Trust of Historic Preservation's Main Street Center are to be used to stimulate business reinvestment, restore building facades, retain existing small businesses, strengthen the local tax

base, create employment opportunities, promote new businesses in downtown areas, and help to create a renewed sense of community pride.

### **Local Government**

[GC §25373 & §27288.2, <http://www.leginfo.ca.gov>]

GC Section 25373 gives authority to local governments (Board of Supervisors) to acquire property for the preservation or development of a historical landmark. In addition, local governments (Board of Supervisors) may by ordinance, provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.

GC Section 27288.2 requires the county recorder to record a certified resolution establishing an historical resources designation issued by the State Historical Resources Commission or a local agency. For previously designated properties, the county may record the certified resolution establishing the historical resources designation upon submission.

### **Mills Act – Historical Property Contracts**

[GC §50280-50290, <http://www.leginfo.ca.gov>]

GC Section 50280-50290 grants local governments the authority to directly implement an historic preservation program. This legislation provides for reduced property taxes on eligible historic properties if the owner agrees to maintain and preserve the property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the Secretary of the Interior. The Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community.

### **Human Remains**

[HSC §7050.5, <http://www.leginfo.ca.gov>]

HSC Section 7050.5 requires that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has examined the remains. If the Coroner determines the remains to be those of an American Indian, or has reason to believe that they are those of an American Indian,

the Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission. In addition, any persons who mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor.

### **Hazardous Buildings**

[HSC §17922.2, <http://www.leginfo.ca.gov>]

HSC Section 17922.2 requires that potentially hazardous buildings be strengthened according to subdivision (b) of Section 8875.2 of the Government Code, and shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions. Local conditions are limited to those conditions that affect the implementation of seismic strengthening standards on the following: (1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 [commencing with Section 18950]) and (2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.

### **State Historic Building Code**

[HSC §18950-18961, <http://www.leginfo.ca.gov>]

HSC Section 18950-18961 provides alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

### **Conservation Easements**

[CC §815-816, <http://www.leginfo.ca.gov>]

CC Section 815-816 outlines what a conservation easement is and who may acquire and hold the conservation easement. Public policy encourages the voluntary conveyance of conservation easements to qualified nonprofit organizations whose primary purpose is the preservation,

protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use or to the state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed.

### **Historic Property Restriction**

[RTC §439-439.4, <http://www.leginfo.ca.gov>]

RTC Section 439-439.4 outlines the method that the County Tax Assessor shall use when valuing historical properties that have entered into a Mills Act Contract. In addition, the method of valuation of a property during the non-renewal process is also identified.

### **Destruction of Historical Properties**

[Title 14, Part 1; PC §622 ½, <http://www.leginfo.ca.gov>]

The California Penal Code provides that any person, not the owner thereof, who willingly destroys or injures objects of archaeological or historical value, whether on public or private land, is guilty of a misdemeanor.

### **California Register of Historical Resources, 1993**

[PRC §5024.1, <http://www.leginfo.ca.gov/calaw.html>]

The California Register's purpose is to develop and maintain, "an authoritative guide to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, or objects, which are eligible to the National Register, are automatically included in the California Register.

## **1.3.3 LOCAL LAWS, REGULATIONS, AND GUIDELINES**

### **Resource Protection Ordinance of 1991**

[[http://www.co.san-diego.us/cnty/cntydepts/planning/Resource5\\_regs\\_stat/res\\_prot\\_ord.pdf](http://www.co.san-diego.us/cnty/cntydepts/planning/Resource5_regs_stat/res_prot_ord.pdf)]

The RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use that may result in damage to significant prehistoric or historic site lands, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

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**Conservation Element (Part X) of the San Diego County General Plan**

[[http://ceres.ca.gov/planning/counties/San\\_Diego/plans.html](http://ceres.ca.gov/planning/counties/San_Diego/plans.html)]

The Conservation Element of the San Diego County General Plan provides policies for the protection of natural resources. These policies provide guidance for the preservation of cultural resource. The Conservation Element recognizes that archaeology is a tool to the understanding of prehistoric cultural systems as links in the greater biotic systems.

**Mills Act (San Diego County) – Historical Property Contracts, 2002**

[Ordinance 9425; <http://www.sdcountry.ca.gov/cob/ordinances/ord9425.doc>]

Ordinance 9425 provides for reduced property taxes on eligible historic properties if the owner agrees to maintain and preserve the property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the Secretary of the Interior. The Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community.

**San Diego County Local Register of Historical Resources, 2002**

[Ordinance 9493; <http://www.sdcountry.ca.gov/cob/ordinances/ord9493.doc>]

The San Diego County Local Register's purpose is to develop and maintain, "an authoritative guide to be used by state agencies, private groups, and citizens to identify the County's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, or objects, which are eligible to the National Register or California Register, are automatically included in the San Diego County Local Register.

**San Diego County Historic Site Board, 2000**

[Ordinance 9139; <http://www.sdcountry.ca.gov/cob/ordinance/ord9139.doc>]

The function of the County of San Diego Historic Site Board (Advisory Body) is to provide decision makers with input regarding cultural resources (archaeological and historic). The Historic Site Board is responsible for reviewing resources seeking participation in the Mills Act and projects with significant cultural resources.

**Zoning Ordinance**

[Section 5700-5749; H Designator; J Designator; <http://www.co.san-diego.ca.us/dplu/zoning/index.html>]

Sections 5700-5749 of the Zoning Ordinance provide the procedures for landmarking Historic/Archaeological resources with an “H” (Historic) Designator. The application of this designator to a property requires the owner to submit and receive approval of a site plan for any changes to the exterior of a resource. In addition, it identifies the only situations in which a landmarked resource may be demolished or relocated.

The “J” Designator is reserved for the Julian Historic District. In addition to the requirements of the “H” Designator, “J” Designated properties are referred to the Julian Historic District Architectural Review Board for recommendation.