

## **Appendix A      NOP and NOP Comments**

## Appendices

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## POWAY UNIFIED SCHOOL DISTRICT

# NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Date: February 24, 2022

**TO:** Agencies, Organizations, and Interested Parties

**PROJECT TITLE:** Del Norte High School Baseball and Softball Fields Lighting Project

**SUBJECT:** Notice of Preparation of a Draft Supplemental Environmental Impact Report

**NOTICE IS HEREBY GIVEN** that the Poway Unified School District (District), as Lead Agency under the California Environmental Quality Act (CEQA), will prepare a Draft Supplemental Environmental Impact Report (Draft SEIR) for the Del Norte High School Baseball and Softball Fields Lighting Project. The purpose of this notice is to (1) serve as a public notice of an EIR pursuant to the CEQA Guidelines Section 15082, (2) advise and solicit comments and suggestions regarding the scope and content of the SEIR to be prepared, and (3) notice the public scoping meeting.

**Notice of Preparation:** The Poway Unified School District, as lead agency, requests that responsible and trustee agencies respond in a manner consistent with Section 15082(b) of the CEQA Guidelines. Pursuant to CEQA Guidelines Sections 15060(d) and 15082, the District will not prepare an initial study but will begin work directly on the Draft SEIR. Pursuant to CEQA Guidelines Section 21080.4, responsible agencies must submit any comments in response to this notice no later than 30 days after receipt. The public review period will commence on February 24, 2022 and will close on March 25, 2022. A copy of the NOP can be viewed electronically on the District's webpage at: <https://www.powayusd.com> and <https://www.powayusd.com/en-US/Departments/Business-Support/Planning/Contacts>

**WRITTEN COMMENTS:** We ask that any person wishing to comment on the NOP provide written comments by the end of the public review period at 5:00 pm, March 25, 2022, to:

[ralschbach@powayusd.com](mailto:ralschbach@powayusd.com)

**Rheia Alschbach, Assistant Director, Planning**  
(Please include "CEQA Del Norte High School" in the subject line)

or by U.S. mail to:

**Poway Unified School District, 15250 Avenue of Science, San Diego, CA 92128**  
**Attn: Rheia Alschbach, Assistant Director, Planning**

**PUBLIC SCOPING MEETING:** The District will hold a virtual scoping meeting in conjunction with this NOP in order to present the project and the EIR process, and to provide an opportunity for agency representatives and the public to assist the lead agency in determining the scope and content of the environmental analysis for the SEIR. For instructions on how the public may view and participate in the public scoping meeting, please visit the following link: <https://www.powayusd.com/en-US/Departments/Business-Support/Planning/Contacts>

**Scoping Meeting Date:** March 14, 2022 from 5:30 PM to 6:30 PM

**PROJECT LOCATION:** Del Norte High School (DNHS) is at 16601 Nighthawk Lane in San Diego, San Diego County, California (APNs 678-23-040 and 678-23-012). The DNHS campus totals 62 acres and is bounded by Nighthawk Lane to the northwest, Del Sur Ridge Road and Lone Quail Road to the north, Deer Ridge Road to the east, and Camino San Bernardo to the south. The western 40 acres of the campus (APN 678-23-040) is in the City of San Diego, and the eastern 22 acres (APN 678-23-012) is in the unincorporated County of San Diego (Figure 1, *Local Vicinity*). The existing varsity baseball and softball fields to be lighted are in the eastern part of the campus (Figure 2, *Aerial Photograph*).

**PROJECT DESCRIPTION:** The District proposes to add competitive sports lighting to the existing varsity baseball and softball fields (ballfields) at Del Norte High School. Sports lighting would consist of eight galvanized steel poles between 70 ft to 90 ft tall on the varsity baseball field and six 60-ft- and 70-ft-tall poles on the softball field, with LED luminaires mounted at various heights (see Figure 3, *Proposed Sports Lighting Locations*). The proposed sports lighting project would allow extended use of the ballfields into evening hours by both students and the general public. Both ballfields are currently being used by the students from 2:00 pm to 6:30 pm for practices and games, with up to 35 participants during practices and 60 participants and 80 spectators for games. The proposed sports lighting project is not anticipated to change the number of practices and games but would extend the hours of use until 8:00 pm on weekdays for practices from February to June, and 9:00 pm on weekdays from August to December. Weekend use of the ballfields would not change from the existing conditions except for special occasions pursuant to the District’s facilities-use policy. The number of participants and spectators at any given day are not anticipated to change. The proposed project would require limited ground disturbance to install light poles. No structural demolition would be required.

The current access to the ballfields is through the campus, with main vehicular access from Nighthawk Lane and Del Sur Ridge. However, a maintenance- and emergency-only vehicular access is currently being constructed on Deer Ridge Road, which would provide direct access to the ballfields for maintenance and emergency purposes—without being routed through the campus. A pedestrian gate would be available from Deer Ridge Road, which would allow the public to park on Deer Ridge Road to access the ballfields instead of parking on campus.

The District certified the Final EIR for Del Norte High School (State Clearinghouse No. 2006021013) (2006 EIR) on June 26, 2006, analyzing the potential impacts of construction and operation of Del Norte High School. The proposed sports lighting on the varsity baseball and softball fields was not included in the 2006 EIR. However, installation of sports lighting on the existing ballfields would qualify as minor additions or changes to the existing operation of the high school; therefore, it meets the criteria for preparing a Supplemental EIR pursuant to the CEQA Guidelines Section 15163. Preparation of this Draft SEIR will use the 2006 EIR in its analysis and analyze the environmental effects of the proposed project to the degree of specificity required by Section 15163 of the CEQA Guidelines. The Draft SEIR will contain only the information necessary to make the previous EIR adequate for the project as revised.

**POTENTIAL ENVIRONMENTAL EFFECTS:** In accordance with Section 15082 of the CEQA Guidelines, the District has prepared this Notice of Preparation to provide agencies, organizations, and interested parties with information describing the proposed project and its potential environmental effects. As authorized by the CEQA Guidelines, the District determined, based on preliminary review, that it would prepare an SEIR for the proposed project. Therefore, it is beginning work directly on the EIR process and will focus on potentially significant effects of the project in the SEIR; it will also briefly explain why the other effects will not be potentially significant. An Initial Study is not required to determine that an EIR will be prepared and is therefore not attached. The Draft SEIR will analyze potential environmental effects of the proposed project related to Aesthetics (visual/light and glare), Air Quality, Greenhouse Gas Emissions, Noise, and Transportation. The project site is not on a list compiled pursuant to Government Code section 65962.5.

If you require additional information, please contact Rheia Alschbach, Assistant Director, at [ralschbach@powayusd.com](mailto:ralschbach@powayusd.com) or (858) 521-2800 (ext. 2447).

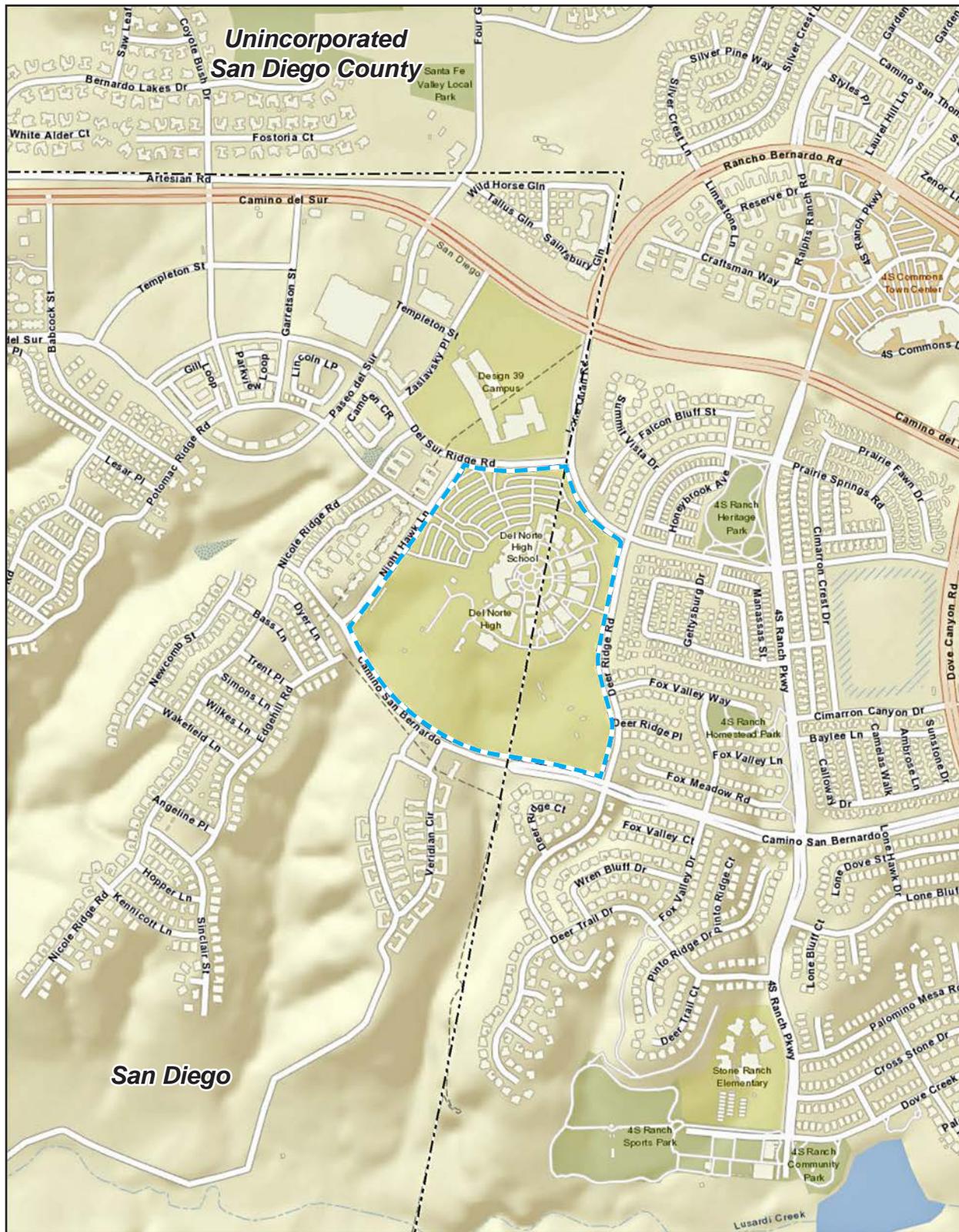
Attachments:

Figure 1. Local Vicinity

Figure 2. Aerial Photograph

Figure 3. Proposed Sports Lighting Locations

Figure 1 - Local Vicinity



- - - - - School Boundary
- - - - - City Boundary

Source: ESRI, 2020



PlaceWorks

Figure 2 - Aerial Photograph



--- School Boundary

0 325  
Scale (Feet)



Source: Nearmap, 2022

PlaceWorks

Figure 3 - Proposed Sports Lighting Locations



--- School Boundary  
C1 Lightpole Locations

0 150  
Scale (Feet)



Source: Nearmap, 2022; MUSCO, 2021

PlaceWorks

# **NOP Comments**



## NATIVE AMERICAN HERITAGE COMMISSION

February 24, 2022

Rheia Alschabach  
Poway Unified School District  
15250 Avenue of Science  
San Diego, CA 92128

CHAIRPERSON  
**Laura Miranda**  
Luiseño

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California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2022020566, Del Norte High School Baseball and Softball Fields Lighting Project, San Diego County**

Dear Ms. Alschabach:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CALEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CALEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

