

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-OPT-02
<b>Project Title:</b>	Compass Energy Storage Project
<b>TN #:</b>	263674
<b>Document Title:</b>	Linda Ivanov Comments - Cultural Report and Tribal Consultation Errors & Omissions - Compass Energy Project, San Juan Capistrano – OPPOSED
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	Linda Ivanov
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	6/2/2025 3:11:42 PM
<b>Docketed Date:</b>	6/2/2025

*Comment Received From: Linda Ivanov*  
*Submitted On: 6/2/2025*  
*Docket Number: 24-OPT-02*

**Cultural Report and Tribal Consultation Errors & Omissions -  
Compass Energy Project, San Juan Capistrano â€“ OPPOSED 24-  
OPT-02**

see attached letter

*Additional submitted attachment is included below.*

June 2, 2025

California Energy Commission  
715 P Street  
Sacramento, CA 95814

Subject: Cultural Report and Tribal Consultation Errors & Omissions - Compass Energy Project, San Juan Capistrano – OPPOSED 24-OPT-02

Esteemed Commissioners:

I attended the community outreach meeting on 5-29-25. It was eye opening. Local opposition, including ALL Elected Officials, Fire Officials and residents are **resoundingly opposed** to the site location of the project. We reject this project in our community.

I reviewed the submitted Cultural Resources Report section of the EIR. The applicant's consultant, Dudek, incredibly, states that they did not contact the local Native American tribe. The Juaneno/Acjachemen's most prominent ancestral tribal village, Putuidem – a Sacred Site, is less than ONE-MILE from the proposed Compass site. It is now a community park constructed by the City of San Juan Capistrano to preserve the history and serve as a cultural gathering place for local tribal members. Evidence of ancestors living this close by to a major village should be a major concern at the Compass site. The creeks that transverse the site would have been where Native Americans lived and left evidence.



#### [THE VILLAGE OF PUTUIDEM](#)

30291 Camino Capistrano  
San Juan Capistrano, CA 92675

CEQA SB18/AB52 require consultation with local tribes as part of a project evaluation. Further, there was ZERO representation at the CEC Community Outreach Meeting by tribal members. The Juaneno/Acjachemen tribe utilizes a designated Tribal Office situated in the City Hall at San Juan Capistrano. They are easily reachable by phone and email.

The Cultural Resources Report is incomplete without this tribal consultation component.

When does the Applicant/CEC propose to contact local tribes? A CEC tribal contact was provided in the powerpoint presentation. Has that person not conducted outreach?

#### *4.3.3.5 NAHC Correspondence*

*“Dudek contacted the NAHC on May 18, 2023 and requested a review of their Sacred Lands File (SLF) for the proposed Project ADI and a 0.5-mile radius of the Project ADI. The SLF consists of a database of known Native American cultural resources. These resources may not be included in the SCCIC database. The NAHC replied via email on June 12, 2023, stating that the SLF search was completed with positive results. Positive results indicate the presence of Native American cultural resources within 0.5-miles of the Project ADI, and not necessarily directly within the Project ADI. The NAHC additionally provided a list of 10 Native American individuals and/or tribal organizations that should be contacted for more information on potential tribal sensitivities regarding the currently proposed Project ADI. **To date, Dudek has not sent outreach letters to any of the entities identified by NAHC.** Tribal notification and consultation associated with Assembly Bill 52, as outlined by CEQA, are **government-to-government processes**. See Appendix 4.3E for complete documentation of NAHC correspondence and SLF results.”*

**Comment:** I have worked for Cultural Resource Management firms for 20 years. Have shared office space with the archaeologist tasked with Native American consultation/notification on client projects. Letters, phone calls, emails were ALWAYS a part of the early process of a project. **It was the responsibility of the CRM firm to initiate contact after securing the list from NAHC. NOT, wait for a government agency to make the contact.**

#### *4.3.1.1 Cultural Context*

**Comment:** The Cultural Context section of the report starts with a long-winded mixture of academic-speak referring to statewide context going back 10,000 years with little relation to the proposed site. It speaks of tribal sites in La Jolla, Escondido, etc. The tone of this section speaking about “no proof” of early civilized life diverts attention away from known and documented village sites all over Orange County and San Diego County within a 30-mile radius of the proposed site.

**Comment:** In the Cultural Context section.... this is the ONLY mention of the local tribe Juaneno/ Acjachemen whose ancestral village, Putuidem, is in within one-mile of the proposed site. The following statement seems to imply that there are ZERO descendants still living in San Juan Capistrano, although the tribe is extremely active in the community and utilizes a designated Tribal Office situated in the City Hall at San Juan Capistrano. Even the Historic Period section of Cultural Context fails to mention Mission written records of the thousands of individual Native Americans who were born, baptized, married, and buried at the mission.

*“The Juaneño, or Acjachemen, territory was bounded to the north by Aliso Creek, the east by the crest of the Santa Ana Mountains, the south by San Onofre Creek, and west by the Pacific Ocean (Kroeber 1925:636). Ethnographic, linguistic, and archaeological evidence indicate that Juaneño and Luiseño are one cultural/tribal group. There is no existing record of the Juaneño population during the pre-contact period. Records indicated that approximately 1,300 individuals culturally affiliated with the Juaneño resided at Mission San Juan Capistrano in the year 1800 (Engelhardt 1922). The mission death register shows as many as 4,000 native burials in the mission cemetery (White 1963). It is clear from that arrival of the Spanish decimated Native peoples through disease and changed living conditions (Bean and Shippek 1978).*

#### 4.3 Cultural Resources

*"This section describes the cultural resources inventory of the project site and vicinity, identifies associated regulatory standards, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. This section is divided into several subsections. Following this introduction, Section 4.3.1 reviews the natural environment and the cultural context, Section 4.3.2 provides the methods used to complete the current inventory, Section 4.3.3 discusses records search and survey results, and tribal correspondence, Section 4.3.4 summarizes the cultural resources analysis completed for this project and provides recommendations for further treatment of the cultural resources consistent with CEQA and NHPA Section, Section 4.3.6 contain mitigation measures to reduce project impacts, and Section 4.3.7 provides a summary of the regulatory setting. Several appendices are attached to this section:"*

**COMMENT: NONE OF THE APPENDIX DOCUMENTS BELOW WERE INCLUDED IN THE CULTURAL REPORT AVAILABLE ONLINE. CONFIDENTIAL INFORMATION, EXCLUDED.**

Appendix 4.3A provides resumes of key personnel;

Appendix 4.3B includes *confidential* records search results;

Appendix 4.3C contains a *confidential* cultural resources overview map;

Appendix 4.3D includes the Departments of Parks and Recreation 523 Form updates; and

Appendix 4.3E documents NAHC correspondence.

##### 4.3.3.1 Records Search Results

OR-00706	1983	Cottrell, Marie G.	Archaeological Resources Assessment Conducted for a 99 Acre Rancho Capistrano Property
<b>COMMENT:</b> The Cultural Report fails to mention any information provided in this 1983 assessment conducted on the Rancho Capistrano property.			
OR-02435	2002	Ferraro, David D., and Tim Gregory	Archaeological Survey of the Rancho Capistrano Property in the City of San Juan Capistrano, Orange County, California
<p>"OR-02435 An archaeological resources inventory and evaluation was conducted in 2001 by RMW Paleo Associates in support of Crystal Cathedral Ministries' plans to upgrade their Rancho Capistrano facilities across a 165-acre parcel. This study included a brief culture history overview, a literature review, a records search, and an intensive-level cultural resources pedestrian survey of 165-acres of land that encompasses the currently proposed Project ADI. The pedestrian survey identified and recorded one prehistoric midden deposit, two historic-era storage tanks and the Bathgate Ranch Property. One resource, the Bathgate Ranch Property, was recorded within the currently proposed Project ADI. Overall, RMW recommended efforts should be made to retain the buildings and citrus trees associated within the Bathgate Ranch Property, either in place or by relocating them to another location on property. <b><u>Additionally, RMW recommended additional testing to assess the significance of the prehistoric midden deposit identified as part of this study (outside of currently proposed Project ADI) (Ferraro and Gregory 2001).</u></b>"</p>			

**Comment:** Evidence of a prehistoric midden deposit discovered by RMW nearby would guide an updated field survey. This indicates a high potential of additional midden, artifacts, human remains within the Compass project footprint since there is a documented ancestral village within one mile of the project site. Cultural Resource records indicate eight prehistoric midden deposits, four lithic isolates, three prehistoric lithic scatters within the vicinity.

**Comment: What is the anticipated excavation depth anticipated by Compass in order to construct utility lines, transmission lines, foundations for storage facilities? Dudek mentions the potential of cultural resources below the agricultural plow zone.**

*4.3.3.4 Field Survey Results*

*Surveyors used 15-meter spacing, intensively inspecting the ground surface for cultural resources, including artifacts, features, and/or midden soils. Surface visibility within the proposed offsite access road and within the mowed and graded portions of the ADI were generally good, allowing for approximately 70% of the ground surface to be directly observed. These conditions constituted approximately 30% of the total Project ADI. Ground surface visibility throughout the majority of the ADI (central and southern portions) was very poor, less than 10%, due to the presence of dense vegetation (Figure 4.3-2). All portions of the Project ADI appear to have been previously disturbed by agricultural and ranching activities. **It was observed that the ADI appears to have the potential to support the presence of intact buried archaeological deposits below the plow zone.** No prehistoric or historic-era cultural resources were identified within the Project ADI during any of the pedestrian surveys in support of this Project.*

I urge the CEC to conduct required Tribal Consultation and insist that applicant-submitted cultural resources records check and surveys recognize the widely known and established Native American population, cultural resources and sacred lands site present in the immediate vicinity of the proposed Compass project.

Respectfully submitted,

A handwritten signature in cursive script, reading "Linda Ivanov".

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San Juan Capistrano  
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