



**PECHANGA INDIAN RESERVATION**  
*Temecula Band of Luiseño Mission Indians*

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January 8, 2009

**VIA EMAIL AND U.S. MAIL**

Ms. Cathy Bechtel  
Riverside County Transportation Commission  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92591

**Re: Pechanga Tribe Comment Letter re: the October 2008 Draft Environmental Impact Report/Environmental Impact Statement for the Mid County Parkway (MCP) Project**

Dear Ms. Bechtel:

This comment letter is submitted by the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign tribal government.

It has been the intent of the Federal Government<sup>1</sup> and the State of California<sup>2</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the Project lies within the Pechanga Tribe's traditional territory.

In order to comply with CEQA and other applicable Federal and California law, it is imperative that the County and the Project Applicant consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures (Cal. Pub. Res. Code §21092.2; 36 CFR 800.2(c)).

The Tribe is formally requesting to be notified and involved in the entire state and federal environmental review processes for the duration of the above referenced project ("Project"). The Tribe requests to be added to your distribution list(s) for public notices and public circulation of all documents, including environmental review documents, and all archeological test plans, reports, surveys and site records pertaining to this Project. The Tribe further requests to be.

<sup>1</sup> See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments and Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments.

<sup>2</sup> See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352, 65352.3 and 65352.4

directly notified of all public hearings and scheduled approvals concerning this Project, and requests that these comments be incorporated into the record of approval for this Project.

The Tribe has a long history of participating and commenting on this Project dating back to 2004. Throughout this process the Tribe has openly conveyed its comments and concerns about this Project, including our disagreement with the archaeological testing methodology employed for this Project and the inadequacy of tribal consultation. We will not touch on those subjects in this letter, but we request that the agencies review our previous comments at this stage of the Project approval process and request that they be incorporated herein with our present comments as part of the record of approval.

## I. PECHANGA TRIBE CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga (*peh-CHONG-ah*) Tribe has a specific cultural and legal interest in the Mid-County Parkway project. The Project property is located within Luiseño ancestral territory and the Tribe is culturally affiliated with the geographic area. The Pechanga Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) and was the consulting tribe on several projects in the nearby vicinity of the proposed Project. The Tribe also has specific knowledge of cultural resources and sacred places within/near the proposed Project alignments.

The Pechanga Tribe asserts that the Project area is part of the Pechanga Tribe's aboriginal territory, as evidenced by the existence of Luiseño place names, rock art, pictographs, petroglyphs, and an extensive Luiseño artifact record in the vicinity of the Project. The Tribe further asserts that this culturally sensitive area is affiliated specifically with the Pechanga Band of Luiseño Indians because of the specific cultural ties to this area. Pechanga considers any resources located on this Project property to be Pechanga cultural resources.

To date, the Pechanga Tribe has had to contend with as many as eight (8) different representations of their Territorial Boundaries (see Figure 1). The territory area depicted by the blue line is considered to be the most accurate depiction of our ancestral territory. The Pechanga Tribe's knowledge of our ancestral boundaries is based on information passed down from our elders through songs and stories; published academic works in the areas of anthropology, history and ethno-history; and through unpublished ethnographic and linguistic field notes. Many anthropologists and historians who have proposed boundaries of the Luiseño traditional territory have included the project area in their descriptions (Kroeber 1925<sup>3</sup>; Drucker 1939<sup>4</sup>; Heizer and Whipple 1951<sup>5</sup>; Smith and Freers 1994<sup>6</sup>). With the exception of Smith and Freers, these boundaries were determined from information provided to the ethnographers by Luiseño

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<sup>3</sup> Alfred. L. Kroeber 1925. *Handbook of the Indians of California*. Bulletin 78, Bureau of American Ethnology, Government Printing Office, Washington D.C.

<sup>4</sup> Phillip Drucker 1939. Culture Element Distribution, V, Southern California. *University of California Publications in American Archaeology and Ethnology*, Vol. 1.

<sup>5</sup> Robert F. Heizer and M.A. Whipple 1951. *The California Indians*. University of California Press, Berkeley.

<sup>6</sup> Gerald A. Smith and Steven M. Freers 1994. *Fading Images: Indian Pictographs of Western Riverside County*. Riverside Museum Press, Riverside, Ca.

consultants. The Pechanga tribe bases the Luiseño territory boundaries on descriptions communicated to the Pechanga people by our elders.

While anthropological and linguistic theories, as well as historic accounts, are important in determining traditional Luiseño territory; the Pechanga Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts and oral traditions. Luiseño history begins with the creation of all things at '*éxva Teméeku* (*EHK-vah Te-MEH-koo*), known today as Temecula. The first people or *Káamalam* (*KAH-mah-lam*) were born at this location and dispersed to all corners of creation (what is today known as Luiseño territory). The last of the *Káamalam* born was *Wuyóot* (*We-YAUGHT*). He was innately gifted with *ayéلكwish* (*ah-YELL-kwish*) or knowledge and he learned how to make the first food, *tóovish* (*TOH-vish*, white clay), to feed the *Káamalam*. It is said *Wuyóot* gave the people ceremonial songs when he lived at '*éxva Teméeku*.<sup>7</sup> According to the creation narratives, *Wuyóot* was poisoned, and in an attempt to be cured, he visited several hot springs within Luiseño territory. The First People followed *Wuyóot* throughout the territory and he named the places as they traveled. Upon *Wuyóot*'s death, he was taken to '*éxva Teméeku* and cremated. *Wuyóot*'s passing was the first death of the *Káamalam*. A traditional song recounts the travels of eagle, as he searches for a place where there was no death. His travels begin at Temecula, flying north to San Bernardino and then to the east, south, and west through Julian, Cuyamaca, and Palomar, and returning to Temecula.<sup>8</sup> After a Grand Council of the *Káamalam* they dispersed from '*éxva Teméeku*, establishing villages and marking their territory. The first people also became the mountains, plants, animals and heavenly bodies. Songs called *Monívol* (*mow-NEE-vall*), speak of the places and landmarks that were destinations of the Luiseño ancestors, several of which are located near the Project area. They describe the exact migration route of the Temecula people and the landmarks made by each to claim title to their places.<sup>9</sup>

Tribal, clan, and family territories were designated and protected. Trespassing was cause for conflict and at times outright warfare between groups. The young were taught never to trespass on the land of others in pursuit of game or to gather food without permission.<sup>10</sup> The people used different methods to identify or delineate boundaries. For instance, there are over thirty identified rock art sites spanning from the site of the Serrano Tanning Vats in Temescal Canyon near the village of *Paxávxa* (*Pah-HAUV-hah*), through most of Olsen Canyon. These *tóota eskánishtum* (*TOW-tah es-KAH-nish-tomb*/intelligent rocks/rock art) exhibit distinct Luiseño design motifs, which can be found in our sand paintings and basketry.

*Tóota eskánishtum* is an important element in the determination of Luiseño territorial boundaries. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves called cupules, which contain numerous small indentations. We believe these may be indicative of boundary markers.

<sup>7</sup> Constance DuBois 1908. The Religion of the Luiseño Indians of Southern California. *University of California Publications in American Archaeology and Ethnology* 8(3):69-186.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid, p.110.

<sup>10</sup> Philip S. Sparkman 1908. The Culture of the Luiseño Indians. *University of California Publications in American Archaeology and Ethnology* 8(4):187-234, p. 190.

*When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed.<sup>11</sup>*

Other types of *Tóota eskánishtum*, pictographs and petroglyphs have been documented in Luiseño territory. Typically, there is at least one pictograph location per village site<sup>12</sup>.

Pechanga's cultural affiliation has been evidenced by the Tribe's role as lead-consulting tribe on numerous projects within and immediately surrounding the Project area. In the mid-1970's, Pechanga elders worked with archaeologists to identify and record archaeological sites in the Lake Matthews/Dawson Ranch area for the 500 KV line of the Menifee/Mira Loma Tap. In more recent years, the Tribe played a crucial role in the Boulder Springs Project on Cajalco Road in which the environmental documents and archaeological reports concluded the Pechanga Tribe was the culturally affiliated tribe for the area. The Tribe was specifically written into the mitigation measures for the Boulder Springs/Boulder Heights Project, and the agreements concerning cultural resources protection were by and between the project applicant, the Lead Agency and the Tribe. In addition, Pechanga was the lead-consulting tribe for the Gavilan Hills Project located south of Lake Matthews, which contains a large village complex, part of which will be impacted by this Project. The Tribe, Lead Agency and Project Applicant consulted and reached an agreement to avoid significant places within the Project area. Pechanga also has a long history of participation in the 'Villages of Lakeview' Project, in conjunction with the County of Riverside, which also impacts a large village which is comprised of sacred burial areas and ceremonial features. Part of the village complex impacted by the 'Villages of Lakeview' is also included in the APE of the MCP Project.

In addition, the Tribe has been named MLD (Most Likely Descendent) by the California Native American Heritage Commission (NAHC) on numerous finds of Native American human remains in the vicinity of the MCP Project, including Glen Ivy in South Corona/Temescal Valley, Boulder Springs in Mead Valley, Lake Matthews and adjacent areas, Meadowbrook in Perris, and Winchester Ridge in Menifee. Further, in 2003 the Pechanga Tribe was designated as the culturally affiliated Tribe for this geographical region by LSA Associates for the March Joint Powers Authority (Schroth 1999).

In the 'Draft Archaeological Evaluation Report' for Mid-County Parkway, November 2008, LSA Associates, Inc (LSA: hereinafter the LSA 2008 report) designated the Cahuilla as

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<sup>11</sup> Dubois 1908, p. 158.

<sup>12</sup> We know there are more than ten cupule boulders located within and adjacent to the Project APE, thus signifying the presence of village sites.

the cultural affiliated Tribe for the project area. Their determination is based on three sources; Bean 1978<sup>13</sup>, Bean and Shipek 1978<sup>14</sup> and Bean and Smith 1978<sup>15</sup>. A map of southern California tribal groups was adapted from these sources and included in the report (Figure 3). LSA also cites Bean's Cahuilla territory description which states:

*...most of the area from the summit of the San Bernardino Mountains in the north to Borrego Springs and the Chocolate Mountains in the south, a portion of the Colorado Desert west of Orocopia Mountain to the East, and the San Jacinto Plain near Riverside and the eastern slopes of Palomar Mountain to the west.*<sup>16</sup>

The map LSA prepared for the MCP project shows the northern border of Cahuilla territory clearly extending significantly beyond Bean's written description. Upon reviewing Bean's original map, it shows Cahuilla territory extending north and west to Riverside; however this entire area west of the San Jacinto Mountains is lacking Cahuilla place names.<sup>17</sup> All named Cahuilla locations are in the Cabazon Valley, east of the Santa Rosa Mountains and east of Palomar Mountain. The places named on the map in the northwest region of Cahuilla territory have Luiseño locational names, and thus support our assertion that this is actually Luiseño territory (Figure 2).

Further, LSA states the term "Western" Cahuilla is preferred over "Pass" Cahuilla "because the group is not confined to the San Gorgonio Pass area."<sup>18</sup> This information is taken from Henry James' work on the Cahuilla, however when looking at James' original map, the "Western" Cahuilla village locations are only as far west as Banning, Snow Creek and Andreas Canyon (Figure 3).<sup>19</sup>

After a description of Cahuilla territory in the LSA 2008 report, LSA goes on to state that "the Cahuilla village of *Sovovo* (Kroeber 1925:Plate 57) is the closest identified village to the MCP APE."<sup>20</sup> However, when reviewing Kroeber's map on plate 57, the village of *Sovovo* is clearly located within Luiseño territory, as well as the entire MCP APE (see Appendix, Figure 4). Furthermore, the word *Šuvóowu* (*Shoe-VOH-woo/Sovovo*), now pronounced as Soboba, is a Luiseño word derived from *Šuvóowut* (*Shoe-VOH-wut*) meaning 'winter'.<sup>21</sup> The Cahuilla word for 'winter' is *táamiva'* (*TAH-me-vah*).<sup>22</sup>

<sup>13</sup> Lowell J. Bean 1978. Cahuilla. In *Handbook of North American Indians, Volume, 8, California*, edited by Robert Heizer, pp. 575-587, Smithsonian Institution, Washington D.C.

<sup>14</sup> Lowell J. Bean and Florence C. Shipek 1978. In *Handbook of North American Indians, Volume, 8, California*, edited by Robert Heizer, pp. 550-563, Smithsonian Institution, Washington D.C.

<sup>15</sup> Lowell J. Bean and Charles R. Smith, 1978. Serrano. In *Handbook of North American Indians, Volume, 8, California*, edited by Robert Heizer, pp. 550-563, Smithsonian Institution, Washington D.C.

<sup>16</sup> *Ibid*, p. 575.

<sup>17</sup> Bean 1978, p. 576.

<sup>18</sup> LSA Associates, Inc., 2008. Draft Archaeological Evaluation Report. Prepared for Mid County Parkway, Riverside County, California Caltrans District 8.

<sup>19</sup> Harry C. James 1960. *The Cahuilla Indians*, Malki Museum Press, Morongo, Ca. (Reprinted 1995), pg. 38.

<sup>20</sup> LSA, pg. 25.

<sup>21</sup> Eric Elliott, 1999. Luiseno Dictionary. Ph.D. Dissertation, University of California, San Diego.

<sup>22</sup> Eric Elliott, 2008. Personal Communication.

LSA listed the closest known villages to the MCP APE as *Sovovo*, *Paiakche* (*Páayaxchi/PIE-yach-k-she*) in Lake Elsinore, and *Paxávxa* (*Paxávxa*), “on the east side of the Santa Ana Mountains, but north of Santiago Peak (and thus northwest of the APE)” in Gabrielino territory.<sup>23</sup> LSA cites the location of *Paxávxa* from Kroeber’s description as being in Gabrielino territory, but, in actuality, they provide the exact location of *Paxávxa* when describing a second Luiseño village near the project area: “It is possible that another {Luiseño} village existed in the area near Glen Ivy Hot Springs, less than 1.0 mile (1.6 km) from where Don Leandro Serrano built the first house in Riverside County, and approximately 3.5 miles (5.6 km) south-southeast of the western edge of the MCP APE.”<sup>24</sup> However, several ethnographic sources place *Paxávxa* at Temescal, which also incorporates Glen Ivy Hot Springs. The village of *Páayaxchi* is located on the northwestern side of the lake, which bares the same name. In actuality all three of these villages are Luiseno and located within Luiseño territory.

In the early 1930’s, linguist and Bureau of American Ethnology employee John P. Harrington accompanied several Luiseño consultants from Corona to Temecula on a place name trip. They identified several Luiseño villages and places along what is now known as Interstate 15.<sup>25</sup> The closest known village to the western section of the MCP APE is *Túu’uv* (*TWO-uvh*) located in what is now the southeastern area of Cajalco Road and the Interstate 15 interchange. *Túu’uv* is mentioned in traditional songs and is named in a long lists of places located within Luiseño territory. One of Harrington’s consultants remembers stopping there with her parents to gather cactus fruit.<sup>26</sup> This area is generally considered to be more ancient than the surrounding areas. There are over thirty (30) identified petroglyph sites spanning from the Serrano Tanning Vat-area through most of Olsen Canyon. These *tóotum yixélvalum* (*TOW-tah yeeh-HEV-ah-loom/intelligent rocks/petroglyphs*) exhibit distinct Luiseño visual elements, which were predominant in our sand paintings and often echoed in our Luiseño basketry designs. Another named location to the south of *Túu’uv* is called *‘anónga* (*ah-KNOON-gah*). This place name is derived from the word *‘anó* (*ah-KNOW/coyote*) and is to the east of the large village of *Paxávxa*. The ancient trail which stretched from the coast to the San Jacinto Plain connected *Paxávxa*, *‘anónga*, and *Túu’uv* with the large villages in the Lake Matthews/*Qaxáalku* region and further east. This trail became present day Cajalco Road which connected the complex trail systems on the western and eastern portions of the MCP APE.

*Paxávxa* was a large village and located on the main trail that connected the coastal communities with the villages on the eastern side of the Santa Ana Mountains. A cold spring called *Hólwuna* (*HOLE-woo-nah*) and hot spring named *‘U’úumay* (*oo-OO-my*) are located within the village complex which is now known as Glen Ivy Hot Springs. *Paxávxa* was recorded in the San Juan Capistrano Mission records and was known to have residents through the 1860’s. There were (and still are) many oak trees to provide for a large village complex. Evidence of a

<sup>23</sup> LSA, pg. 28.

<sup>24</sup> LSA, pg. 26.

<sup>25</sup> John P. Harrington 1986. The Papers of John P. Harrington in the Smithsonian Institution 1907-1957. Microfilm Volume 3 California/Basin. Kraus International Publications, White Plains, N.Y. This place name trip can be found on reel 119, frames 223-225.

<sup>26</sup> Harrington, reel 119, frame 224.

large population of our ancestors living at *Paxávxá* was confirmed when over three hundred portable metates plus hundreds of additional items were recovered after this large village was deemed archaeologically insignificant in 2002 and destroyed in 2005. The 1857 plat map of Township 4 South 6 West shows the trail which passed by *Paxávxá* and the adobe house of Leandro Serrano and on to what is now known as Cajalco Road.

The area where Lake Matthews is now located was a large gathering-area for medicinal plants such as *huvámal* (*who-VAH-mall*/Yerba Buena) and *chévnish* (*CHEV-nish*/Yerba Mansa). These plants require a reliable water source to survive. For the Luiseño, these plants were, and still are, used as curatives for stomach ailments and wounds. The distribution of cultural features on the landscape shows an area full of bedrock mortars, slicks, portable mortars, and *tóotum* 'éskanistum and *naxá'chish* boulders. Unfortunately, many of these features were destroyed and flooded by DWP's creation of Lake Matthews. However, old topographic maps show this area was a lowland where several streams merged together and flowed into Cajalco Canyon. There was a large spring located to the northeast of what is now Lake Matthews which was a permanent water source for the area. This area was chosen for the reservoir because it was a marshy lowland, an ideal location that supported a large population (Figure 4). Several Luiseño elders describe this area as part of a seasonal gathering-cycle in which the people began in Temecula and traveled east to Domenigoni Valley near Hemet and then west to what is now the Lake Matthews area, and back through Lake Elsinore to gather food and medicinal plants. These routes followed ancient trails that became the modern roads, such as Highway 79, Cajalco Road, and Interstate 15. Pechanga monitors first worked in this area in the mid-1970's helping to identify and record archaeological sites. They followed some of the old trails in the vicinity of the MCP APE and documented old village and quarry sites on the road that linked the area which is now Lake Matthews with the places within what was known as the Dawson Ranch (Dawson Canyon).

Approximately one (1) mile from the eastern side of Lake Matthews is the large village known today as the Harley John/Mockingbird Canyon site (CA-RIV-61). This is a known ceremonial area which has a recorded calendar rock in a cave which exhibits a phenomenological "light dagger" for three days surrounding the winter solstice. The village has numerous deep bedrock mortars and is dotted with three distinctive rock art San Luis Rey-type elements such as zigzags, chevrons, handprints, and a classic "sunburst" design. Because of graffiti-vandals, Pechanga and Sherman Indian High School work actively to protect, steward, and educate our youth about this important location.

The Pechanga Tribe rejects the Project Archaeologist's conclusion that the Mid-County Parkway APE is located in other tribal traditional territories, besides Luiseno, as such conclusion is based primarily upon the ethnographically-skewed territory map of Lowell Bean. As explained above, this is merely one opinion, which is lacking in substantiated evidence. We believe that the Lead Agency's strategy of overinclusiveness of southern California tribes, including the Gabrieleno, Cahuilla and Ramona bands, may have been devised to diffuse all tribal input and weaken the tribal consultation process. This seems to be just one more instance of the 'divide and conquer' strategy when dealing with tribes. As discussed above, the geographic area which comprises the MCP Project is within Luiseño territory and the Pechanga

Tribe has consistently and definitively established its cultural affiliation with this area. As such, the Pechanga Tribe should continue to be consulted with for the duration of the Project.

## II. PROJECT IMPACTS TO CULTURAL RESOURCES AND PROPOSED TREATMENT FOR CULTURAL RESOURCES

The Pechanga Tribe is not opposed to this development project at this time. The Pechanga Tribe's primary concerns stem from the Project's impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred and ceremonial places which will be displaced by ground-disturbing work within the Project APE, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

As explained above, the Pechanga Tribe asserts that the Project APE and surrounding areas are part of the Pechanga Tribe's aboriginal territory, as evidenced by the existence of Luiseño place names and Luiseño cultural resources. The Pechanga Tribe contends that the Project will impact significant/important cultural resources due to the fact that approximately sixty-two (62) cultural resource sites are recorded within the RCTC Preferred Alignment 9 as discussed in the LSA July 2008 study<sup>27</sup>. The EIR/EIS documents conclude that important/significant and eligible cultural resources will be impacted by the Project.

The Tribe knows of at least four (4) Luiseño village complexes with portions located within the APE (Boulder Springs Complex, Villages of Lakeview Complex, Gavilan Hills Complex, Rider Complex) and three (3) significant quarry sites which are an integral part of these domestic activity areas. The archaeological methodology for this Project continues to ignore the fact that the sites within the APE are portions of larger complexes of individually recorded well-known village and domestic activity areas. We understand that the Lead Agency and Project archeologists have explained that they are only obligated to review sites within the APE. However, in order to accurately determine impacts to cultural resources and appropriate mitigation of the sites, it is imperative that any analysis take into account the relationship and contribution of those sites to the larger cultural complex or landscape.

Within the areas of these village complexes there are over 100 individually recorded sites within an approximate 20-mile stretch of the Project APE. The Project APE stretches through some of the most culturally sensitive areas within Luiseño territory and southern California. Of the four (4) habitation complexes that will be impacted by the MCP Project, the Tribe is aware that three (3) of the complexes have been subject to previous archaeological investigations. The Tribe played a key role in all of these investigations, including government-to-government consultations on the significance of the resources and the culturally appropriate mitigation for each of the complexes. The Tribe has consistently taken the same position with regard to these complexes: that they are significant villages with multiple domestic activity areas. The Tribe

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<sup>27</sup> *Preliminary Recommendations of Eligibility and Level of Effects*, LSA Associates, July 2008



will continue to take the same position with regard to these projects, including MCP. The Tribe further insists that treatment for these cultural resources must remain consistent with already established treatment and mitigation.

Village complexes with multiple domestic activity areas include midden, cupule rocks, pictographs, milling features, quarry materials, ceremonial areas, and other habitation remains which are reflective of every aspect of tribal culture. While there are several archaeologists that have studied what Luiseño villages are comprised of, very few have tried to determine what an actual Luiseño village would have looked like or what the “footprint” may have been. is a well-accepted principle of archaeology that Luiseño village complexes often extended for several miles in each direction and include the areas between the visible rock outcrops<sup>28</sup>.

Village complexes and domestic activity areas are of extreme cultural importance to the Tribe because many have already been destroyed and the remaining are quickly disappearing-slick by slick, quarry by quarry, without regard to how they fit into the larger regional picture. These places are the last remains of our ancestral communities; places where our people lived their daily lives, including not just food preparation, but also conducting other daily activities. In order to preserve these Village complexes, it is important to not disturb portions of the complex, lest such disturbances are actually destroy the complex itself. As such, it is important to preserve and protect as many of the sites as possible as they are all part of a larger significant complex.

In 1982, True and Waugh pointed out that the Luiseño Mission Indians were resourceful with almost an innate ability to adapt to changing circumstances. They argue that both pre-contact and post-contact San Luis Rey Luiseño people had demonstrated a high degree of adaptable behavior as they consolidated to form more complex systems, placing their villages in locations that were situated near the most reliable regional water supplies. True and Waugh proposed that this could only occur within a social matrix capable of sustaining the mosaic of productive, ritual, and social relationships inherent to “village” organizations. In other words, the Luiseño people had developed a very complex sense of community and permanent Settlement Pattern: it was embedded in their Social History. Kroeber (1925) and Heizer (1978) also used ethnographic data to describe the Luiseño Indians’ settlement pattern as consisting of permanent villages located in proximity to reliable sources of water and within range of a variety of floral and faunal food resources, which were exploited from temporary camp locations surrounding the main village. Each village of 75-200 people was occupied by one or more patrilineal clans. Frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. Further, the metavolcanic/metasedimentary quarries locations within the Project area were counted on to support the large complexes at *Paxávxa* (Pah-HAUV-hah) at Glen Ivy, *Tíu’uv* (*TWO-uvh*) in South Corona, *Qaxáalku* (Kah-HAUL-koothe; span between

<sup>28</sup> In 1974, D. L. True, C. W. Meighan and Harvey Crew reported on their archaeological investigations at Molpa in San Diego County. The intent of this report was to describe and interpret the finds at Molpa, a historically known Luiseño village on the slopes of Mount Palomar. In their words, “Molpa is important as the site type used to define the nature of a protohistoric archaeological complex or assemblage occurring widely in the San Luis Rey River drainage.” The San Luis Rey River drainage region has widely been used by archaeologists as a comparison for Luiseño activity areas throughout the entire Luiseño territory.

Lake Matthews and the March ARB), and others in the region and are parts of the cultural landscape of these complexes as well. In other words, the areas with numerous sites are the remains of complex villages containing all the components of our ancestors' society. Appropriate mitigation, including preserving the most significant areas by assessing the totality of the area and the relationship of the individual sites to the entire cultural landscape must be adopted. Through archeologists' piecemealing of sites, the Tribe has observed that often the most important pieces of the landscape and the complex are lost because they do not meet certain scientific thresholds as individual features.

For various reasons, Cultural Resource Management (CRM) work is often limited to the proposed project with no resources expended for a regional analysis, however in order to understand the full impacts of the Project to cultural resources, the areas adjacent to the APE must be studied from an archaeological and cultural perspective. The Tribe asserts that any analysis of impacts to cultural resources for this Project area must necessarily include all village complexes, even if such complexes exist adjacent to or nearby the Project area.

Cultural landscape and cumulative impacts to cultural resources must be incorporated into any environmental analysis. The determination of appropriate mitigation is two-fold. First, the entire meaning and nature of the individual sites, scientifically and culturally, needs to be understood. Second, the environmental review must determine the probability of inadvertent discoveries in the areas that will be impacted. The Tribe would argue that such questions cannot be answered without incorporating the regional landscape, connectivity of the sites, and the tribal ethnography.

Further, any analysis of impacts to cultural resources must also include the possibility that inadvertent discoveries may be uncovered during Project development. Because of the close proximity of the village complexes to the APE, it is the Tribe's position that inadvertent discoveries of cultural resources, including sacred and ceremonial items, will be uncovered during the development of the Project. As such, the mitigation measures for this Project must take this fact into account, and additional measures must be included which define the process for adequately addressing inadvertent discoveries. In addition, the fact that unknown resources will likely be disturbed inadvertently during grading should be treated as further contributing factors to the entire complex, which must be taken into account when identifying Project impacts.

Given all the information provided through the Tribe's previous comment letters, cultural affiliation as discussed above, and the Pechanga Tribe's knowledge of the continuous occupation of the Luiseño people in this geographical area for thousands of years concerning the existence and locations of the cultural resources, village complexes and sacred places throughout the Project APE and adjacent areas, it must be concluded that sub-surface resources will be located during ground disturbing activities for the Project. This includes the probability that sacred, ceremonial and Native American human remains will likely be uncovered during Project development. As such, appropriate mitigation measures must be adopted to address these factors.

**Site PP-33-12230**  
**(Payómik Qaxáalku –West Qaxáalku or Gavilan Hills Complex)**

It is well documented in the archaeological reports prepared for this geographical area that this is an area of highly significant cultural resources. In fact, this complex of sites and resources is related to what the Tribe knows as a larger village/habitation complex called *Qaxáalku*, which extends northward through Mead Valley and southeastward toward the City of Perris. This site may represent the outer extent of the *Qaxáalku* complex (or “outlier” sites), which is poorly addressed in the scientific archaeological literature. This habitation area consists of a minimum of twenty-seven (27) known sites containing, lithic and groundstone debitage, milling features and what is believed to be a sacred area. These sites are situated around a flowing water source where an abundance of natural plant, animal and lithic resources exist. All of this information, presented in conjunction with the Cultural Affiliation above, presents a very different picture of the resources as a whole, compared to the current analysis as separate features.

**Site PP-33-13791**  
**(Boulder Springs Complex, Qaxáalku)**

The *Qaxáalku* (Boulder Springs) and Cajalco Creek village complex lie geographically east of Lake Matthews and west of Interstate 215. Within two square miles (between Wood and Cajalco Creek) there are seven vertical-wave-shaped cupule boulders. In addition to the numerous bedrock mortars and slicks, there are four ancestral quartz quarries in this region. Quartz points were important to the *Payómkawichum* (*Pie-YOUM-kah-wih-chum*/People of the West/Luiseño) because it is believed that *Suukat* (*SHOW-kat*/deer), who gave his life for the starving people in our Creation Story, could only be killed by a point made of quartz. Also the *pávyut* (*PAUV-yoot*/ceremonial wand) had a piece of quartz attached to the tip and was kept by the *púula* (*POO-lah*/religious official) of each village. Further, the metavolcanic/metasedimentary quarry locations within the Project area supported the large villages at *Paxávxá*, *Tu'uuv*, and *Qaxáalku*. The quarried material was also traded to people outside of the immediate region.

This complex includes sacred ceremonial sites, rock art, and intensively used kitchen areas (food processing locations). This area is known to the Pechanga as *Qaxáalku*. The very word Cajalco is derived from the Luiseño word *qaxáal*, ‘quail’ in which *Qaxáalku* would mean “at the quails.”<sup>29</sup> The name is onomatopoeic, meaning the name of the bird or animal resembles the song or call it makes. The Luiseño suffix “ko” is considered a more archaic form of the suffix “anga,” which means place of (as in *Pechanga*--place of dripping water). The name Cajalco is the Spanish form of *Qaxáalku* in which the road, canyon, and creek were named after the Luiseño village located along that trail/route. Quail can still be found throughout the *Qaxáalku* area but almost as important are the *kukúulam* (*kuh-KOO-lom*/burrowing owls) that live in this region. The low-lying bedrock boulders are an ideal habitat for the owls. John Harrington’s consultant Celestine Ahuayo, who was from Pechanga, relates that the name

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<sup>29</sup> Elliott 1999, pg. 91

*kukúulam pomkí* (*kuh-KOO-lom poum-KEY*), means ‘ground owl houses.’<sup>30</sup> *Kukiul*, ‘burrowing owls’ are important for the Luiseño because of their status in our Creation Story. Father Boscana wrote of the burrowing owl’s role in the story of *Wuyóot*: “A consultation was held by the elders, and it was decided that he should receive his death by means of poison. The rock, Tosaut, was procured, and while in the act of pulverizing the ingredient they were perceived by one called Cucumel {*Kukúulmal*}, who immediately gave information to Ouiot {*Wuyóot*}, that they wished to destroy him by poison. Cucumel was a small animal inhabiting holes in the ground from which, in the daytime, he issued to obtain his sustenance.”<sup>31</sup> Eventually, *Wuyóot* did succumb to poison but the burrowing owl gained a distinction in our Luiseño songs as a messenger. The *Payómkawichum* would have revered the area where this “good apostle” lived.

**Site PP-33-16598**  
**(Páavo Complex)**

As the *Páavo* complex has been acknowledged by the Tribe and numerous archaeologists as a culturally significant area, any impacts to this area within and surrounding the known complex boundaries are highly likely to impact significant cultural resources.

According to the LSA July 2008 study, this site is a “multi-use habitation site”, and was most recently designated as eligible for the National Register of Historic Places (NRHP). It is also known as the Lizard Shrine complex and has already been extensively studied in connection with a County of Riverside project known as the Villages of Lakeview. In addition, the complex has been previously designated as eligible for the California Register of Historic Resources (CRHR) and it holds a specific tribal cultural significance. The entire village area is known as *Páavo* by the Luiseño people (which includes, but is not limited to, recorded archeological sites known as CA-RIV-393, CA-RIV-413, CA-RIV-398 and CA-RIV-414). As this is a significant site with important cultural value, the Pechanga Tribe has consistently taken the position that the entire complex be avoided and preserved in place with no development activity to directly or indirectly affect this significant sacred area. Most recently, the Tribe took this position on the Villages of Lakeview, Metropolitan Water District Master Plan for the Lakeview/Nuevo Area and the McAnally Chicken Ranch Projects. Since MCP will also impact the *Páavo* site, the Tribe continues to take the same position here.

As the Tribe expected, during the Phase II work cultural items of a significant and ceremonial nature to Pechanga were uncovered. “At least three unique artifacts were discovered during the survey, a large granitic discoidal, a fragment of a quartz mano, and a mano with red pigment on it” (LSA July 2008, p. 27). These items are consistent with the high significance of the site and are representative of the types of items that will likely be discovered during development.

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<sup>30</sup> Harrington 1985, reel 119, frame 019.

<sup>31</sup> Gerónimo Boscana 1978. *Chinigchinich: Historical Account of the Belief, Usages, Customs and Extravagancies of the Indians of this Mission of San Juan Capistrano Called the Acagchemem Tribe*, Revised and Annotated Version of Alfred Robinson’s Translation, annotations by John P. Harrington. Malki Museum Press, Morongo, Ca, pg. 32, 118.

The Tribe agrees that this entire Site, 33-016598, including the area of the site that is within the Project ROW/APE, is eligible under the National Register Criteria. In fact, this site is so culturally important that the Tribe believes that destruction of any portion of the site is a destruction of the totality of the site. The Tribe believes all portions are contributing components to the overall integrity of the site and includes the location of the ceremonial items recovered during the Phase II. The theory that these items have all been transferred to this area by alluvial flow is just conjecture and we have been shown no definitive proof of such a theory. In addition, nature cannot be used as a reason to systematically piecemeal sites and to justify the destruction of certain areas because the artifacts uncovered are believed to be out of context. There is no site in existence that remains completely intact from its original usage. The items were not found miles away from the site such that there would be a question as to whether they were a contributing part of this site. We know these items came from this site and that more will be discovered during Project development.

In addition, there were two (2) burials of Native American human remains discovered in this area during development of the Inland Feeder Project. Although archaeological documents dispute the discovery of burials, the Pechanga Tribe was present during excavations of the Project and observed the remains. This fact must be taken into account when creating mitigation measures for this site in order to comply with state and federal laws.

**Site P-33-16678 / Site P-33-16679 / Site P-33-16680  
(Kwíimik Qaxáalku –East Qaxáalku or Rider Complex)**

As explained in our previous comment letter dated 1/25/08, the Tribe believes that the analysis of these three (3) sites was not conducted correctly because each site was analyzed individually, without acknowledging their continuity as a large village complex.

The Tribe is in agreement with the Project archaeologist's re-evaluation of site P-33-16679, and further agrees with the new conclusion that the site is NRHP Eligible. The Project archaeologist, however, still neglects to take into account the relationship of P-33-16679 to the two (2) sites that are directly adjacent to it that were addressed during the Phase II study (P-33-016678 & -016680). Nor does the Project archaeologist factor into the larger picture that within the APE there are two (2) sites located less than 500 feet to the west of -016679, three (3) more sites between -016679 and -016678, three (3) sites between -016678 and -016680 and an additional six (6) sites within 500 feet to the east of -016680. The "in-between" sites (n=14) were determined to not be able to contribute to the scientific body of knowledge, systematically analyzed as individual pieces to a much larger whole, and thus were not considered to be part of the entire village complex. In addition, within the APE, as well as in the surrounding area, there are more than one hundred fifty (150) sites surrounding these three (3) larger sites (-016678, -016679, -016680), making them part of an entire village complex, which is also related to the nearby Motte Reserve complex.

Moreover, within this village complex, several cupule boulders and a rock shelter are present, thus changing the categorization of these sites from simple milling features to integral portions of a village complex. The Project archaeologist failed to acknowledge this context and

did not factor it into the eligibility assessment for the three (3) sites. In fact, the Tribe was told that the features that we know to be cultural, were in fact results of geologic weathering, thus dismissing tribal cultural knowledge of this area. The Tribe again asserts that these three (3) sites are all connected and related to one another and that they are part of this complex of sites that exists within the area. As such, the Tribe views these sites as containing all of the components of a village complex, including residential, ceremonial and religious usage. This assertion is supported by the resources that exist in the area combined with our cultural knowledge of the area.

We reject LSA's attempts to render any portion of the project's APE as insignificant or ineligible in terms of cultural significance. The worst example of this was when an LSA geologist determined that cupules within the project's APE were in fact not Luiseno ceremonial cupules. Geologists are by definition scientists, and should therefore not be looked to concerning cultural significance questions.

During Phase II excavations in the areas of the three (3) sites, items of a culturally significant nature were recovered such as obsidian flakes, an obsidian biface fragment, a jasper spear point, an igneous Elko point and a leaf-shaped point (possibly Pinto), a pottery sherd, a Rosegate series projectile point, a hammerstone and a core. Even though these resources are without provenience, they are themselves, nevertheless, indicative of the usage and importance of this area and add to the cultural and archeological meaning of the complex, further allowing us to assess settlement patterns, subsistence base and trade patterns of the entire region. For example, the jasper spear is proof that our ancestors hunted large game on or near the immediate area and is proof of an older village habitation area. This is a significant fact in and of itself because it denotes subsistence patterns and provides chronological information for the area. Resources such as these necessarily increase the significance and importance of the area they come from because they will give us clues to specific purpose and use of this village and of its relationship to the nearby villages such as Boulder Springs or the Motte Reserve area. In addition, the jasper is considered a trade item as most jaspers come from the desert area. This gives an entirely new meaning to this complex as part of a possible trade route or stop between major villages. These sorts of occurrences cannot be ignored in an eligibility assessment of this area.

During the MCP Phase II Program, Pechanga Cultural Monitors identified five cupule boulders in this area. We believe the Rider Road region was associated with the Penny Ranch/Motte Reserve ceremonial area. In 2006, Pechanga monitors recorded vertical wave-shaped boulders that appear to have "burned out" or spent cupules to the immediate north of Cajalco Road (CA-RIV-1263). Perhaps, the cupules found in the Rider Road area, deemed less definitive by LSA, are actually older ceremonial features than the ones found at Motte Reserve. This would also suggest this entire region was culturally significant with multiple ceremonial areas. We understand that the cupule boulders themselves will not be destroyed; however they must be utilized in the assessment of the sites that will be impacted by the Project. To not incorporate them is to conduct only a partial analysis of the site. Further, by ignoring these resources, impacts such as disturbance to the integrity of the boulders by blasting and heavy

equipment vibrations will not be addressed; nor will indirect visual impacts and staging activities be handled properly.

This Rider Road region is dotted with slicks and bedrock mortars, which indicate the resources in the area were abundant enough to support a large population. Our Tribal Elders have told us that the Menifee and Winchester Valleys used to have lots of oak trees which were not only cut down to make way for farmland but to drive away the Native people who relied on the acorns for food. The entire MCP APE is located within what was formerly known as the El Sobrante de San Jacinto Rancho. We Luiseño contend that the areas spanning from Oleander, to Rider Road, to Motte Reserve have a southern connection which has been altered by building and road construction.

Penny Ranch/Motte Reserve has four well-preserved pictograph areas and two known cupule boulders which border LSA's testing area and the MCP ROW/APE. As discussed above, we do not believe the area within and adjacent to the APE is a separate area from Motte Reserve. We believe there is no cultural separation between the two locations: Motte Reserve and the habitation site which extends through archaeological sites 33-016678 to 33-016680. During MCP testing of the archaeological sites -016678, -016679 and -016680, multiple features and artifacts were identified. With or without provenience, the jasper spear point found at -016679 is indicative of the antiquity of the sites in the region.

There is a large rock art panel located on the Motte Reserve which has been identified as a girl's puberty ceremony location. In 1908, Constance Dubois recorded the traditional Luiseño girl's puberty rite in which the concluding portion of the ceremony consists of a race "made by the women and girls...to the appointed hill, where the wife of the chief paints the girls' faces red, black, and white, and scraping some of the paint from their faces uses it to paint the rock in certain designs. The face of the girl is painted each month in a different design, and corresponding marks are made upon the rock."<sup>32</sup> Philip Sparkman, who owned a store at Rincon and was one of the first to record Luiseño cultural practices states: "At the conclusion of the period during which the girl remained in the pit, her face was painted, and a similar painting was also made on a rock, at the end of a month the girl's face was painted in a different manner, and a similar painting was added to the first painting made on the rock. This was repeated every month for a year, each month a different painting being place on the girl's face, and a similar one added to the original one on the rock."<sup>33</sup> Archaeologist Delbert True conducted some early studies of rock art in Luiseño territory and concluded "it appears likely that there is at least one pictograph location for each village site. Most pictographs are located some distance from the village site on isolated boulders or rock outcrops. The remainder are at the village sites or occupation areas and in small cave shelters."<sup>34</sup> Due to the fact that there was usually some distance between the village and the ceremonially painted rocks, it would suggest the Rider Road region is culturally connected to the paintings at Motte Reserve. Given the topography in which

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<sup>32</sup> DuBois, 1908, pg. 96.

<sup>33</sup> Philip Stedman Sparkman 1908. *The Culture of the Luiseño Indians*. University of California Publications in American Archaeology and Ethnology, 8(4):187-234, pg. 225.

<sup>34</sup> Delbert L. True 1954. *Pictographs of the San Luis Rey Basin, California*. *American Antiquity*, 20(1):

the sites -016678 to -016680 are located, we believe they are one large village complex and directly associated with Motte Reserve.

In addition, because of the vast number of surface resources within and adjacent to this habitation complex, it is almost certain that subsurface resources will be uncovered during the ground-disturbing activities that will be conducted. The Tribe also asserts that the possibility for sacred and ceremonial resources to be uncovered during development is very high and must be accounted for in the mitigation measures for this Project.

The Tribe asserts these three (3) sites should be treated as part of the same single domestic activity area, and that all three (3) sites deserve to be categorized as NRHP Eligible. The Tribe further asserts that avoidance and preservation in place is justified for all three (3) of these sites because the sites are part of a larger significant village complex, and because of the uniqueness of the resources that have thus far been found there.

**Site P-33-001512**  
**and**  
**Site P-33-001650/-016687**

These quarry sites are culturally significant to the Tribe as they provide the Tribe with not only a connection to our past, but also with a present-day “laboratory” to answer questions concerning cultural habitation practices and patterns. As we have discussed above and in previous comment letters, there is no question that quarry sites, as domestic activity areas, were significant elements in any prehistoric habitation setting because of the need to create weapons, tools and ceremonial items. The distribution of quartz and metavolcanic quarries in the area is not surprising for us because the material was required for religious purposes as well. In fact, the quarries in the area of the Project were counted on to support the large complexes of *Páxa'vxa* (Glen Ivy), *Tuu'uv* (South Corona), and *Qaxáalku* (the span between Lake Matthews and the March ARB which includes the Boulder Springs, Gavilan Hills and the Rider Complexes. Undoubtedly, these materials will be found at other cultural sites within the Luiseño territory and beyond, as more research is conducted and the importance of lithic materials other than obsidian is realized. Thus, each quarry site holds a cultural significance to the Tribe.

PP-33-001512 is the largest and the best preserved of the quarries of the three (3) quarries within the proposed alignment. Moreover, as the Tribe has already expressed, many of the quarries which previously existed within western Riverside County have already been destroyed through development. Thus, on a regional basis, very few such quarry sites remain making this quarry even more unique.

As stated in our previous comment letter, not only are the sites themselves unique, but the Tribe also asserts that the materials which comprise the quarries are unique significant cultural resources. Quarries such as these can answer multiple research questions.



## **REQUESTED MITIGATION MEASURES FOR PROJECT**

We *Payómkawichum* (Luiseño) people consider what is currently known as Cajalco Road and the surrounding areas to be six (6) very distinct segments, yet still related. The story of these segments and how they connect to each other helps tell the story of our people, and is crucial for an adequate mitigation of any of the sites along this road. Further, it is imperative that this mitigation be culturally appropriate. This means it should take into account tribal customs and practices, and should not contradict such cultural elements. Moreover, a preferred method of treatment for archeological sites according to the CEQA is avoidance (California Public Resources Code §21083.1), and this is the Tribe's preferred method for treatment of significant/eligible areas.

Given that significant Luiseño cultural resources, including the village complexes with multiple domestic activity areas described above, will be affected by the Project, the Pechanga Tribe must be allowed to be involved and participate with the Lead Agency and the Project Applicant in developing all monitoring and mitigation plans for the duration of the Project. Further, given the potential for archaeological resources within the Project area, it is the position of the Pechanga Tribe that Pechanga tribal monitors should be required to be present during all ground-disturbing activities conducted in connection with the project, including any archeological testing performed. It is further the position of the Pechanga Tribe that an Agreement regarding appropriate treatment of cultural resources be drafted and entered into prior to any earthmoving activities.

The Pechanga Tribe requests that in the case of discovery of new or additional sites or resources, that the Lead Agency re-evaluate the Project impacts to cultural resources and adopt appropriate mitigation measures to address such. The Pechanga Tribe intends to assert its legal rights with respect to additional finds of significant sites or cultural resources which are of sacred and ceremonial significance to the Tribe.

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this project. And, accordingly, the Pechanga Tribe further requests that the Lead Agency work with the Tribe to draft an agreement which would address any inadvertent discoveries of cultural resources, including human remains.

Also, surveys and grading may reveal significant archaeological resources and sites which may be eligible for inclusion in the NRHP and CRHR registers, and may contain human remains or sacred items. Therefore, we request that the Lead Agency commit to evaluating Project environmental impacts to any cultural sites that are discovered during archeological

testing and grading, and to adopt appropriate mitigation for such sites, in consultation with the Pechanga Tribe.

For the reasons above, the Pechanga Tribe requests the following mitigation measures be adopted (deletions noted by strikethroughs and additions designated by underlining):

**AR-1:** During final design, the Riverside County Transportation Commission (RCTC), in consultation with California Department of Transportation (Caltrans), State Historic Preservation Officer (SHPO), and interested culturally affiliated Native American tribes shall prepare an Archaeological Monitoring Plan (AMP). The AMP shall establish procedures for archaeological resource surveillance, the treatment and disposition of cultural resources and human remains that may be uncovered during construction, provisions for tribal monitors and procedures for temporarily halting or redirecting work to permit identification, sampling, and evaluation of archaeological resources. At a minimum, the AMP shall:

- Require an archaeologist to be present during construction activities in native soils;
- Require a ~~Native American representative tribal monitor(s)~~ tribal monitor(s) from the culturally affiliated Tribe to be present during ~~construction activities in native soils~~ all grading and ground-disturbing activities conducted in conjunction with development of the Project, including further archaeological work, staging and off-site work;
- Require the archaeologist and culturally affiliated ~~tribal~~ Tribe's representative to be present at the pre-grading conference to explain the established procedures in the AMP;
- Establish a protocol for the discovery of new archaeological resources, which includes a procedure for identification of resources and mitigation of resources;
- Establishes and R- ~~requires~~ that the protocol for ~~the unanticipated discoveries~~ of human remains is followed. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. Pursuant to PRC Section 5097.98 and California Code of Regulations Section 15064.5, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact the District Environmental Branch Chief or the District Native American Coordinator (Gwyn Alcock, 909/383-4045) so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable;
  
- Require monthly archaeological monitoring status reports;
- Require a final archaeological monitoring report;
- Require the Project Applicant/landowner relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archeological artifacts that are found on the Project area to the culturally affiliated Indian Tribe for proper treatment and disposition;
- ~~Establish a curation facility for collected archaeological material; and~~
- Establish procedures for preservation and avoidance of all sacred sites;
- Maintain Environmentally Sensitive Areas (ESAs) during construction ~~near three~~ at the following sites: (P-3313791, P-33-16598, P-33-16678/P-33-16679/Site P-33-16680, P-33-1512,

P-33-1650/16687, P-33-1649, P-33-12230, and LSA-JCV531-S-207), and as detailed in the ESA Action Plan; and

- Prior to the issuance of grading permits, the Project Applicant/Developer/Landowner will obtain agreement by the culturally affiliated Tribe concerning the content of the AMP.

~~P-33-1512. The ability and nature of avoidance and minimization of adverse effects to Site P-33-1512 are not known at this time; therefore, mitigation measures are proposed based on current Alternative 9 Temescal Wash Area Design Variation (TWS DV) plans.~~

- ~~• Prior to the start of construction at this location, data recovery shall be conducted at this site for all portions of the site within the area of potential effects (APE). Although the southern tip of the site is south of, and not within, the right of way, data recovery shall be conducted here because of the loss of physical and legal continuity between the northern (66 percent of the total site area) and southern (10 percent of the total site area) portions of the site. The data recovery shall attempt to exhaust all research potential that Site P-33-1512 has to offer. Methods shall include, but not be limited to, 1-square-meter units, surface collection grids, extensive research into site function, settlement patterns, etc. Nondestructive, noncollection, and nonexcavation mapping and analysis shall be conducted in the northern 66 percent of the site in order to adequately characterize the entire site in data recovery. Native American tribes shall be consulted throughout the data recovery process. Disposition arrangements shall be agreed to prior to initiating any data recovery efforts.~~

- ~~• The portion of the site that is adjacent and north of the proposed Alternative 9 right of way shall be further protected with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The northern 66 percent of the site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor. No collection or excavation shall be conducted here unless plans change to include disturbance of this area. P-33-1512 will be preserved in place and not subject to Project impacts. An ESA will be placed around the site for purposes of protecting the site from all ground-disturbing activities during Project development, including staging and off-site activities. For purposes of protection and preservation of the site an open space conservation easement will be established for the avoided and preserved areas which includes a requirement for a preservation plan with the culturally affiliated tribe.~~

~~P-33-1650/P-33-16687. The ability and nature of avoidance and minimization of adverse effects to Site P-33-1650/P-33-16687 are not known at this time. Therefore, mitigation measures are proposed based on current Alternative 9 TWS DV plans.~~

- ~~• Prior to the start of construction at this location, data recovery shall be conducted at this site for all portions of the site within the right of way (the eastern 60 percent of the total site area). The data recovery shall attempt to exhaust all research potential that Site P-33-1650/P-33-16687 has to offer. Methods shall include, but not be limited to, 1-square-meter units, surface collection grids, extensive research into site function, settlement patterns, etc. Nondestructive, noncollection, and nonexcavation mapping and analysis shall be conducted in the western 40 percent of the site in order to adequately characterize the entire site in data recovery. Native American tribes shall be consulted throughout the data recovery process. Disposition arrangements shall be agreed to prior to initiating any data recovery efforts.~~

~~• The portion of the site that is adjacent to the proposed Alternative 9 right of way shall be further protected with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The western half of the site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor. No collection or excavation shall be conducted here unless plans change to include disturbance of this area. P-33-1650/33-16687 will be preserved in place and not subject to Project impacts. An ESA will be placed around the site for purposes of protecting the site from all ground-disturbing activities during Project development including staging and off-site activities. For purposes of protection and preservation of the site an open space conservation easement will be established for the avoided and preserved areas which includes a requirement for a preservation plan with the culturally affiliated tribe.~~

**P-33-16598.** The following mitigation is proposed for Site P 33-16598 based on direct effects to the portion of the site that is in Alternative 9 TWS DV.

~~• The portion of the site that is adjacent to the proposed Alternative 9 right of way shall be further protected with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor during all ground-disturbing activities in the area of Site P-33-16598. PP-33-16598 will be preserved in place and not subject to Project impacts. An ESA will be placed around the site for purposes of protecting the site from all ground-disturbing activities during Project development, including staging and off-site activities. For purposes of protection and preservation of the site an open space conservation easement will be established for the avoided and preserved areas which includes a requirement for a preservation plan with the culturally affiliated tribe.~~

**P-33-16679/-16678/-16680.** The ability and nature of avoidance and minimization of adverse effects to Site P 33-16679 are not known at this time. Therefore, mitigation measures are proposed based on current Alternative 9 plans.

~~• Prior to the start of construction at this location, data recovery shall be conducted for all portions of this site, including the small portion of the southern tip of Locus A, which is outside of the right of way. Although the southern tip of the site is south of and not within the right of way, data recovery shall be conducted here because of the loss of association with the larger portion of the site. The data recovery shall attempt to exhaust all research potential that Site P 33-16679 has to offer. Methods shall include, but not be limited to, 1 square meter units, trench and block excavation, and extensive research into site function, settlement patterns, etc. Native American tribes shall be consulted throughout the data recovery process. Disposition arrangements shall be agreed to prior to initiating any data recovery efforts. P-33-16678/16679/16680 will be preserved in place and not subject to Project impacts. An ESA will be placed around the site for purposes of protecting the site from all ground-disturbing activities during Project development, including staging and off-site activities. For purposes of protection and preservation of the site an open space conservation easement will be established for the avoided and preserved areas which includes a requirement for a preservation plan with the culturally affiliated tribe.~~

**PP-33-12230.** As site P-33-12230 will be preserved in place and not subject to Project impacts, an ESA will be placed around the site for purposes of protecting the site from all ground-disturbing activities during Project development, including staging and off-site activities. For purposes of protection and preservation of the site an open space conservation easement will be established for the avoided and preserved areas which includes a requirement for a preservation plan with the culturally affiliated tribe.

**PP-33-13791.** P-33-13791 will be preserved in place and not subject to Project impacts. An ESA will be placed around the site for purposes of protecting the site from all ground-disturbing activities during Project development, including staging and off-site activities. For purposes of protection and preservation of the site an open space conservation easement will be established for the avoided and preserved areas which includes a requirement for a preservation plan with the culturally affiliated tribe.

The Pechanga Tribe looks forward to working together with FHWA, Cal Trans, RCTC, the Project Archaeologist and other interested agencies towards a MCP Project alignment that protects and respects the important cultural resources in the Project area and fulfills applicable tribal consultation requirements. If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



Laura Miranda  
Deputy General Counsel

Cc: Mr. Tay Dam, Federal Highway Administration  
Gabriel Duff, Project Archaeologist, Cal Trans  
Nina Delu, LSA  
Carol Legard, ACHP  
Dwight Dutschke, OHP  
Susan Stratton, OHP  
Pechanga Cultural Resources Department  
Brenda Tomaras, Tomaras & Ogas, LLP

### Attachments

Figure 1. Overlay of eight different Luiseño territory boundary theories.

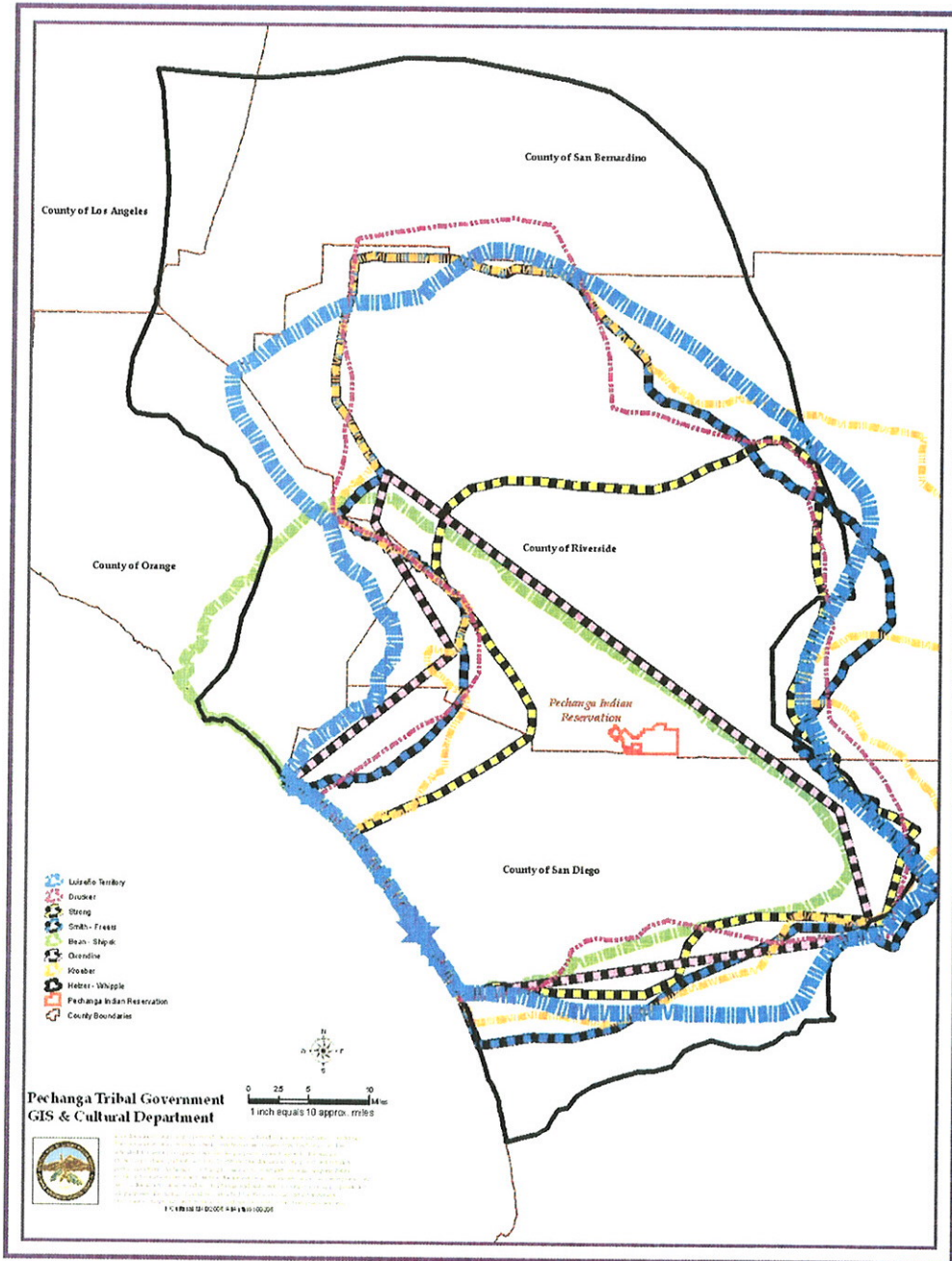


Figure 2. Map from Bean 1978: 576. The areas were highlighted to show the area which is considered the San Jacinto Plain. Note these places are located within Luiseño territory.

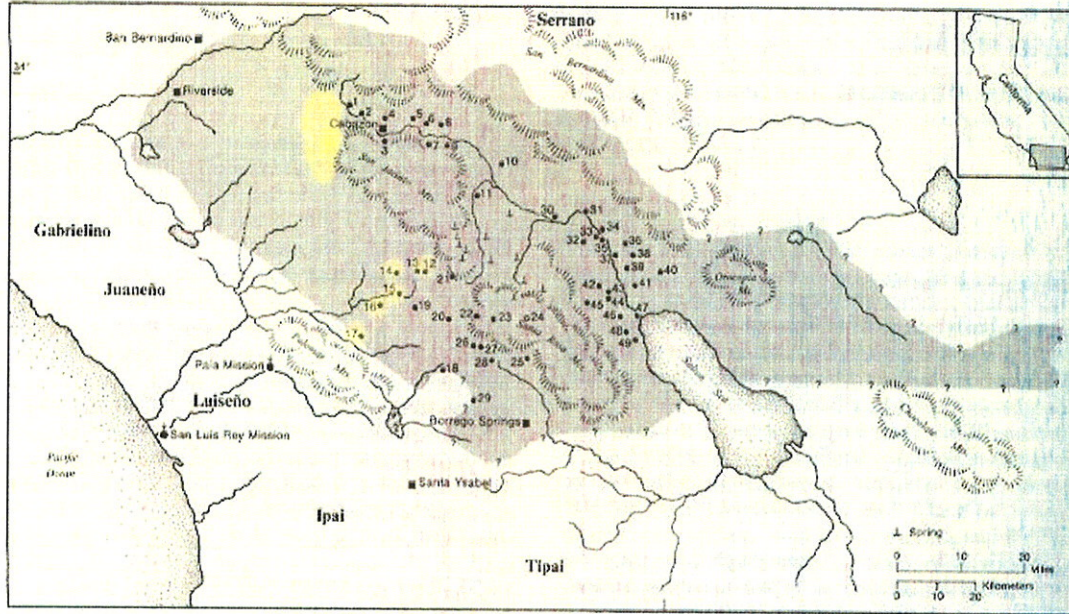
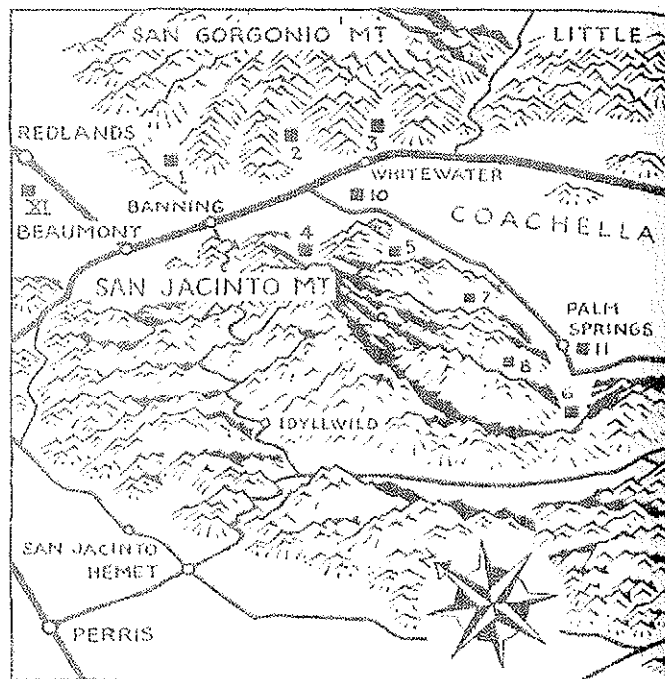


Fig. 1. Tribal territory and villages. 1, *aykat*; 2, *pisatapa*; 3, *hivana*; 4, *waqsit*; 5, *pálakna*; 6, *hévina*; 7, *técaqa*; 8, *wánikik*; 9, *wáqna*; 10, Palm Springs; 11, *pánik*; 12, *páwata*; 13, Pastawha; 14, *sáwvepa*; 15, *páwi*; 16, *wiyasmat*; 17, *áwaga*; 18, *éiya*; 19, *máwet siwo*; 20, *páwki*; 21, *pál píw*; 22, *Nateúta*; 23, *siwiw*; 24, Old Santa Rosa Indian Ruins; 25, *Ataki*; 26, *tépaqha*; 27, *Wiliya, sáwíwel* (or *sáw'vel*); 28, *sáwik*; 29, *pácawat*; 30, *kávinít*; 31, *pál téwat*; 32, *it' éúghalupí*; 33, *pál sétaxat*; 34, *pál sétamal*; 35, Coachella; 36, *pál áyil*; 37, Thermal; 38, *áwal pácawa*; 39, *tíwakikíem hémki?*; 40, *máyawat héla-nat*; 41, *pál míluqalet*; 42, *máwl mí'í*; 43, *témal síkalet*; 44, *pál híwíwet*; 45, *páúčekíwa*; 46, Alamo; *pál píni*; 48, Agua Dulce; 49, *tíwa, ú'líspaci*.

Figure 3. James' map of Western Cahuilla village locations (1960:38).



**CAHUILLA VILLAGE SITES**

**WESTERN CAHUILLA**

- 1. Banning Water Canyon
- 2. Stubbe Canyon
- 3. Whitewater Canyon
- 4. Snow Creek
- 5. Elardah Canyon
- 6. Andrews Canyon
- 7. China Canyon
- 8. Tahquitz Canyon

**WESTERN CAHUILLA**

- (Continued)
- 9. Deep Canyon
  - 10. Palm Springs Station
  - 11. Palm Springs
  - 12. Indian Wells



Figure 4. Kroeber's map, Plate 57. The northern boundary of Luiseño territory and the village of Sovovo have been highlighted for emphasis (1925:590).

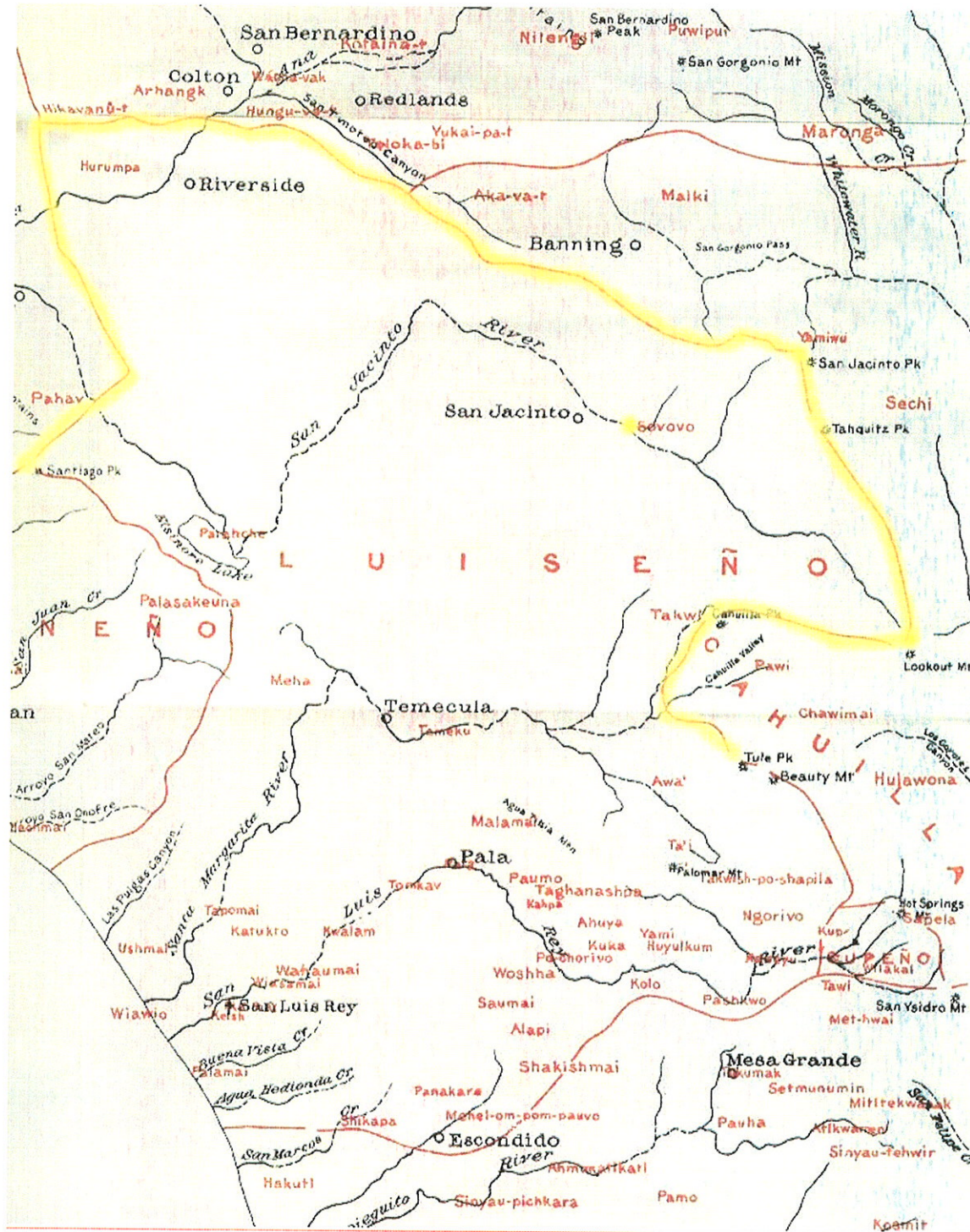
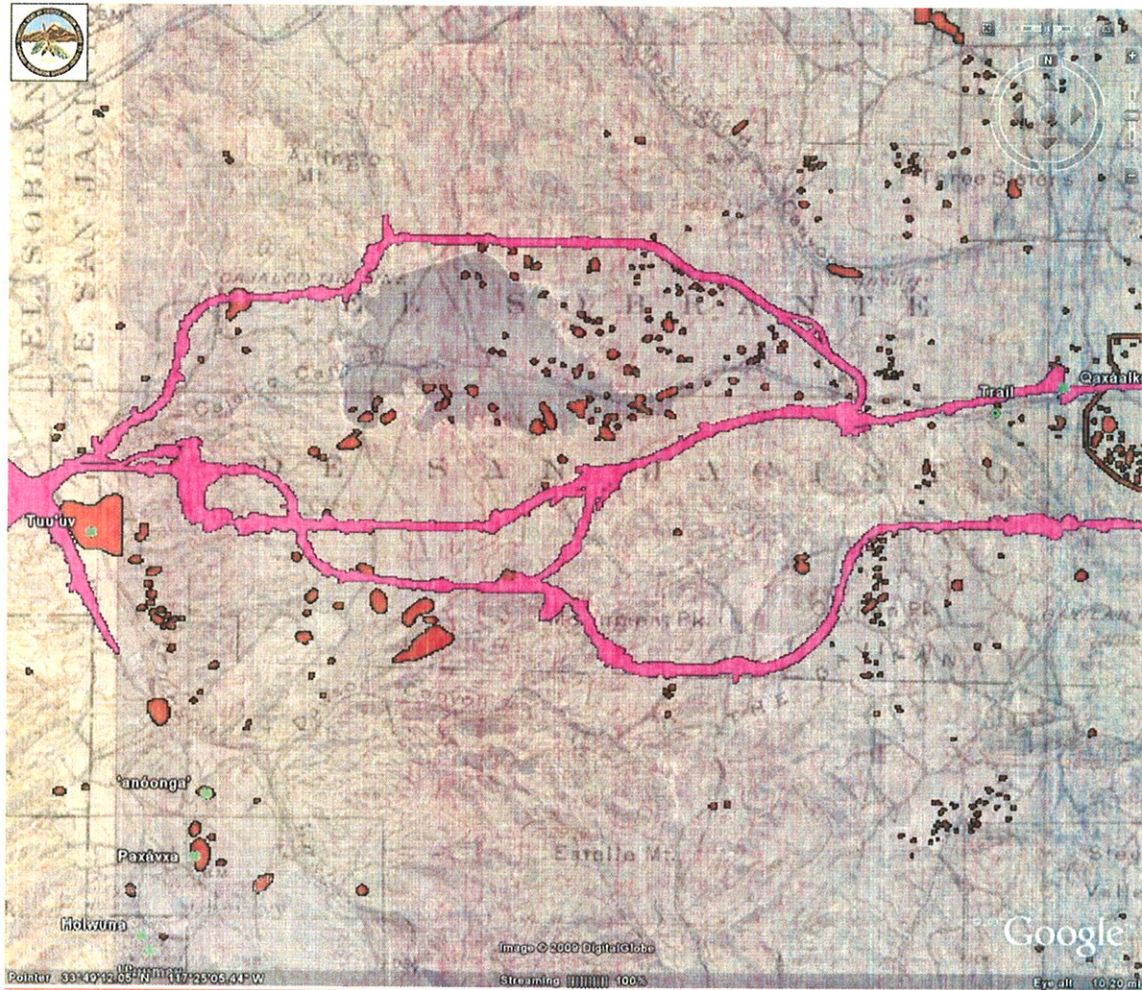


Figure 5. Overlay map of western section of MCP APE. This image is comprised of several layers of maps, the current aerial photo showing Lake Matthews, the 1901 topographic map of the area before the construction of the reservoir, the recorded archaeological sites in red, and the approximate eastern portion of the MCP APE in pink.





## PECHANGA INDIAN RESERVATION

*Temecula Band of Luiseño Mission Indians*

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January 8, 2009

### VIA E-MAIL AND U.S. MAIL

(Susan.a.meyer@usace.army.mil)

Ms. Susan A. Meyer  
U.S. Army Corps of Engineers, Regulatory Division/Branch  
CESPL-RG/CEPOH-EC-R  
Bldg. 230 (Bldg T214)  
Ft Shafter, HI 96858

Re: Application for Permit No. 2001-00537

Dear Ms. Meyer:

The Pechanga Band of Luiseño Indians, a federally recognized Indian Tribe and sovereign tribal government (hereinafter the "Tribe") submits the following comments regarding the above-referenced application for permit. The Tribe has been actively participating in consultation and review of this project since 2004. Such participation consists of attending numerous meetings with the Project Applicant and other contributing public agencies, participating in site surveys, and providing comments on the archaeological methodology, appropriateness and adequacies of evaluations and interpretations of cultural resources, and the Tribe's proposals for adequate mitigation of the Project.

Copies of the Tribe's prior comment letters, as well as its comments on the Project DEIR/DEIS, are attached hereto and incorporated herein.

### PECHANGA TRIBE CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area in which the Project is located. Specific details and discussion regarding this affiliation are within the incorporated letters.

### ADEQUACY OF SECTION 106 COMPLIANCE

The National Historic Preservation Act (16 U.S.C. §§ 470 *et. seq*) requires that a Section 106 review be performed for all Federal undertakings. (16 U.S.C. 470w(7); 36 CFR §800.16(y)) The issuance of a permit such as a Section 404 permit is considered an undertaking under Section 106. *Id.* As such, the Army Corps must initiate the Section 106 review process which

includes consultation with, among others, federally-recognized Indian tribes. (*Id.* at §800.16(f) and (m)). Consultation is required whether the property in question is on or off tribal lands (*Id.* at §800.2(c)(2)(ii)).

As part of the Section 106 review process, agencies must make a “reasonable and good faith effort” at identification of historic properties within the area affected by the undertaking. (*Id.* at 800.4(b)(1)). The ACHIP and Federal Courts have determined that the process must be completed for not just the “permit area,” but for the entire project area. Colorado River Indian Tribes v. Marsh (1985) 605 F. Supp. 1425.

Historic properties are defined to include archaeological sites and areas which have religious or cultural significance to Tribes. *Id.* Further, such identification efforts should include consultation with Tribes. *Id.*

As detailed in the incorporated letters, the Tribe does not believe that there has been adequate consultation throughout the course of the Project – for instance the Tribe was unable to provide any comment or input on such matters as the Project APE or the preferred alignments for the Parkway. The Tribe would therefore request that the Army Corps take specific note of its comments on the Project with respect to the adequacy of the Section 106 process to date.

### **PROJECT IMPACTS SIGNIFICANT CULTURAL RESOURCES**

As is more fully detailed in the incorporated letters, the Project will impact several significant sites as well as numerous other cultural sites which have been determined by the Project Applicant to be non-significant/ineligible. The Tribe has objected to the methodology used in the assessment and evaluation of cultural resources which resulted in so many of the sites being determined ineligible. These objections, as well as the Tribe’s interpretation and evaluation of those sites which were subjected to additional testing are contained within the incorporated letters.

### **APPROPRIATE MITIGATION**

The intent of the Section 106 process is to adequately identify and evaluate cultural resources so that appropriate mitigation to address a project’s impacts on cultural resources can be developed. The Tribe has addressed what it believes to be appropriate mitigation for impacts to cultural resources from the Project in the incorporated letters and the Tribe requests that the Army Corps adopt these requested mitigation measures for the instant Permit and further would incorporate these measures in to its Memorandum of Agreement should one be developed for the Project.

The Pechanga Tribe looks forward to working with the Army Corps, the Project Applicant and other interested agencies towards developing a Project which

Letter to Susan Meyer

Re: Application for Permit for the Mid-County Parkway Transportation Project

Page 3

protects and respects the important cultural resources within the Project area and fulfills all applicable Federal and State law. If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Miranda', written in a cursive style.

Laura Miranda  
Deputy General Counsel

Cc: Cathy Bechtel, RCTC  
Pechanga Cultural Resources Department  
Brenda Tomaras, Tomaras & Ogas, LLP



**PECHANGA INDIAN RESERVATION**  
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January 25, 2008

**SENT VIA EMAIL AND U.S. MAIL**

Mr. Tay Dam  
Federal Highway Administration  
California Division  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

**Re: Pechanga Tribe Comment Letter on Preliminary Recommendations of Eligibility and Level of Effects for the Mid County Parkway (MCP) Project**

Dear Mr. Dam:

The Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, submits this letter on the above referenced document as part of the tribal consultation process for this Project.

The Pechanga Band requests that this letter be included in the record of approval for the Project.

**I.**  
**PECHANGA TRIBE CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area, which comprises the Project property. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on projects in the nearby vicinity of the proposed Project, has been the named consulting tribe on projects in the vicinity of the proposed Project, and has specific knowledge of cultural resources and sacred places within/near the proposed Project alignments.

## II. TRIBAL CONSULTATION REQUIREMENTS

### **A. CALTRANS MUST CONSULT WITH THE PECHANGA TRIBE REGARDING THE PROJECT**

It has been the intent of the Federal Government<sup>1</sup> and the State of California<sup>2</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. The United States has a unique political and legal relationship with Indian tribal governments. In conformance with this unique relationship, the Federal Government recognizes the sovereign status of tribal governments and its obligation to deal with these tribal governments on a *government-to-government* basis. President Bush himself reaffirmed this responsibility in both his Executive Order 13336 and his Executive Memorandum of September 23, 2004.

The obligation to consult arises when tribal interests are affected by the actions of State governmental agencies and departments, such as approval of General Plans or EIRs. In matters of transportation projects which are funded by Federal highway funds, Section 106 of the National Historic Preservation Act and Section 4(f) (49 U.S.C. 303) apply. Therefore, in order to comply with CEQA, Section 106, Section 4(f) and other applicable Federal and California law, it is imperative that Caltrans, as the delegate of FHWA, adequately consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the effects, as well as generating adequate objectives, policies and potential mitigation measures. In this case, it is undisputed that the Project area lies within the Pechanga Tribe's traditional territory and thus the Tribe should have been appropriately consulted on the Project.

### **B. SECTION 106 CONSULTATION REQUIREMENTS**

The requirements of Section 106 of the NHPA, set forth in 36 CFR Part 800, clearly requires consultation with Indian tribes, regardless of the location of the project (36 CFR 800.2(c)). The regulations go on to state that the agency official *shall* ensure that consultation provides an Indian tribe "a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects." *Id.* Further, consultation must occur early in the planning process in order to "identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties." *Id.*

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<sup>1</sup> See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13175 of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments; and Executive Memorandum of September 23, 2004 on Government-to-Government Relationship with Tribal Governments.

<sup>2</sup> See California Public Resource Code §5097.9 et seq. and Cal. Govt. Code §§ 65351, 65352, 65352.3 and 65352.4.

In the instant case, while Caltrans and FHWA have conducted several “consultation” meetings, they have done so in a manner which left Tribes unable to provide adequate and viable input. For instance, the Tribes were not provided a copy of the results of the Extended Phase I Program prior to the meeting to discuss the AEP for the Phase II Program. Thus, other than commenting on specific methodology performed, the Tribes were unable to provide any input into whether they felt the Phase II Program adequately covered all sites necessary. This lack of information has now been compounded by requiring the Tribes to comment on the Preliminary Recommendations for Eligibility without all of the analysis of the materials encountered during the Phase II having been performed. Further, even where Tribes were given some documentation or information prior to a meeting, it was usually just prior to the meeting thus making it difficult for Tribes to actually review the information before the meeting.

Because of the decision to expedite the environmental work on this project, and in particular the cultural assessment, throughout this Project the Tribes have been asked to provide their comments and input at points in time where either the Tribes have not been given all the information necessary to do so or where the Tribes were given information but not in a timely manner given the timelines for the comments. Pechanga does not believe that this is adequate consultation.

It is the Tribe’s request that the Lead Agency and all agencies and consultants involved commit to working with the Tribe to ensure it has *meaningful* participation in the environmental review process, which includes all archeological assessments and testing. As such, Pechanga is requesting the ability to consult on any additional archeological assessments and test programs, well in advance of their commencement in order to allow adequate time for the Tribe to evaluate these programs and provide comment on them. The Tribe also requests that such programs and assessments take into account the Tribe’s preferences and customs concerning treatment of archeological/cultural resources. Further, the Tribe request that it be allowed to consult on the analysis and results of such assessments and test programs in a timely manner and with adequate information provided.

### C. SECTION 4(F) CONSULTATION REQUIREMENTS

The Federal Highway Administration (FHWA) has a policy, enacted by Congress, of preserving certain lands, wildlife and waterfowl refuges and historic sites. As such, FHWA is required to evaluate whether any project may require the use of “a public park, recreation area... or land of an historic site...” (49 U.S.C. 303(c)). The reason for such evaluation is that the Federal government determined it would avoid the use of significant areas such as historic sites when creating new public highways.

The obligation to consult under Section 4(f) comes in conjunction with the obligations under Section 106 and the requirement that Section 4(f) applies to National Register Eligible sites. Thus, while there is no explicit requirement to consult under Section 4(f), the obligation is implicit in the requirement to determine whether a property is National Register Eligible. Moreover, the Secretary of Transportation can only make a finding of *de minimis* impacts to a



historic site if the finding “has been developed in consultation with parties consulting as part of the process...” (49 U.S.C. 303(d)(2)(C)). Thus it is the position of the Pechanga Tribe that the FHWA and Caltrans must conduct adequate consultations with the Tribe in both determining the eligibility of a site, as well as any later findings of *de minimis* impacts.

### **III.**

#### **TRIBAL COMMENTS ON PRELIMINARY RECOMMENDATIONS OF ELIGIBILITY**

The Pechanga Tribe is in receipt and has reviewed the *Mid County Parkway Preliminary Recommendations of Eligibility and Level of Effects* memo, dated 12/14/07 (“LSA 12/14/07 Memo”). A total of nine (9) sites were excavated during the Phase II eligibility determination program. Two (2) sites were combined into one (1) site resulting in the evaluation of eight (8) sites in the LSA Preliminary Eligibility Memo for eligibility for National and State Register Eligibility. The Pechanga Tribe has concerns with the conclusions for seven (7) of the sites (P-33-001512, P-33-001650/016687, P-33-016678, P-33-016679, P-33-016680, P-33-16598 and P-33-16685), and asserts that the conclusions are inadequate and incorrect. The seven (7) sites of concern can be separated into two primary site types--quarries and habitation areas. When analyzing these types of sites two very distinct methods of evaluation should be utilized based upon the original activities conducted at each type of area.

#### **A. QUARRY SITES**

Quarry sites are considered important cultural resources to the Tribe and should be viewed by the archaeological community as sites that can contribute significant data, not only to the scientific body of knowledge, but to tribes as well. Quarries, which are generally lumped together with prospects and mines, are essential to cultural and scientific understanding. No two quarries are alike. Each quarry is unique and varies from every other one. For example, the materials vary from site to site, the amount of utilization varies, each source outcrop was utilized in a different manner, and special workshop areas may or may not be present. As the majority of artifactual remains left on sites are lithic materials, the sources of these materials can reveal a wealth of information regarding how the inhabitants interacted with their landscapes. Technological and ideological changes, embedded strategies, site formation processes, trade and regional activities can all be addressed by analysis of quarries and research of the surrounding area.

Quarries are frequently labeled as non-significant/not eligible resources due to the amount of time and research they generally necessitate. For instance, the required level of analysis for the artifactual materials is generally not common knowledge to the average laboratory technician, and retaining a specialist can be cost prohibitive to the project. Moreover, the amount of artifacts found at a quarry site, from a management perspective, can be overwhelming and proper analysis may also be deemed cost prohibitive. Further, experience has shown that quarry locales are often simply not identified during fieldwork. Presumably, this is based upon the archaeologists’ lack of knowledge of the source material. If a quarry site is identified during fieldwork, it is often immediately dismissed based upon the lack of readily

visible “diagnostic” surface artifacts or as not containing enough data to warrant detailed analysis, thus resulting in the quarry site being “written off.”

Quarries are focused exploitation areas, utilized for their source material. Because of this specialized nature, typical household features and artifacts associated with habitation sites such as hearths and/or cooking features, food preparation areas, leather working areas, house features, etc. are generally not present. Therefore, materials utilized for chronological testing, i.e. charcoal, shell, other organics, will be absent. Further, as quarries are sites where “diagnostic” artifacts are removed, the importance of a quarry is often determined by which artifacts are not present. The lack of diagnostic artifacts, such as finished tools and completed/broken projectile points may be confusing and, if the analyst is not trained for detailed analysis, important details about the flakes/debitage may go unidentified. Quarries require an almost backward approach to determine significance or eligibility as they generally do not have finished or formed tools and rely heavily on outside regional research. Quarry materials often must be dated in conjunction with other sites which highlights the importance of comparing artifact collections of regional sites.

Stratigraphy is generally not expected at quarry sites and bioturbation is evident in almost every southern California site. Therefore, neither should be considered key factors in determining whether a site is eligible. The LSA 12/14/07 Memo states one of the quarry sites can answer certain research domains, but its utility is limited based upon lack of intact stratigraphy. The “lack of stratigraphy” argument is not germane when the locations of quarries themselves are taken into account. Stratigraphy relies on deposition of materials and topography of the area. Generally, quarries in western Riverside County consist of source materials that are exposed from the ground by a variety of geologic events including wind, water and earthquakes. They are usually located on higher topographic areas including the tops and sides of hills, ridges, mountains, etc. The quarries excavated in the Phase II program are all located on ridges and high places, in deflationary environments, and were most likely in the same environment when utilized. Thus, deposition of soils would not occur and erosion and sloughing of materials downslope would be expected, thereby negating stratigraphy within the main quarry areas. Collection of sediments and artifacts would more likely occur at the base of the slopes which would result in either a reversed accumulation or in a jumble.

Further, bioturbation in a site can be factored into the overall identification of a site but should not be the deciding factor for eligibility. In addition, the erosional nature of the source materials should not be a factor for eligibility. The Tribe is aware that LSA has voiced a concern that non-artifactual material spalls should not be incorporated into the overall collection. Nevertheless, the Tribe believes that a qualified lithic specialist should be able to discern human modified materials from natural spalls. Additionally, it is presumed that the material has been eroding for years. If these spalls were occurring at the quarries’ time of usage, this may have been an attractive feature of the site since the spalls could have been more easily modified than starting from scratch. This similar use pattern has been identified on sites where the artifacts appear to have been reused or recycled from other locations.

In addition, quarries such as those assessed in the Phase II program can answer multiple scientific research questions from a cultural standpoint as well. Specifically, sites -001512 and -001650/16687 can provide data for all the proposed research domains excepting possibly Gendered Behavior. As a brief example, quarries are essential to Settlement Pattern questions as there must be a tool source close by the habitation/village to supply the inhabitants' need for subsistence tools. Since these quarries are considered local, we should then ask where are the habitation/village locations (Site Formation/Site Structure). The next logical question would be did the inhabitants have had access to this material (Subsistence Base)? If there is more than one habitation/village nearby, would the quarries have been "owned" by a specific family/clan/lineage/etc (Socio-Economic Relations)? Has the material been traded to other locales and can the materials be identified within the archaeological/ethnographic record (Chronology/Trade and Economics)? Can the material be identified within other sites in domestic or ceremonial activities (Ritual and Ceremonial)? The list of potential research questions which could be answered based upon what is available at these quarry sites is endless.

Chartkoff (1995)<sup>3</sup> proposes the implementation of a nested hierarchy of research questions that could be applied to the analysis of lithic scatters. This nested hierarchy of research questions can also be applied to quarry sites which, in reality, are large lithic scatters. These five perspectives briefly include: 1) Within-Site Context; 2) The Assemblage as a Whole; 3) A Site in its Environmental Context; 4) The Site within a Cultural Context; and 5) The Site within a Regional Context (ibid: 31-35). These patterns may assist in reinforcing trade and travel routes as told to tribes by elders as well as assist specific identification of place names. Thus the Chartkoff hierarchy would provide yet another source of potential information leading to a determination of eligibility under Criterion D/4.

Finally, these sites are culturally significant to the Tribe as they provide the Tribe with not only a connection to their past, but also with a real-time "laboratory" in which the Tribe can relearn some of the ways of their ancestors. As we have discussed, there is no question that a quarry site was a significant element in any prehistoric habitation setting because of the need to create weapons, tools and ceremonial items. The dispersion of quartz and metavolcanic quarries in the area is not surprising for us because the material was required for religious purposes. In fact, the quarries in the area of the Project were counted on to support the large complexes of Páxa'vxa (Glen Ivy), Tu'uuva (South Corona), and Qaxáalku (the span between Lake Matthews and the March ARB) and the Boulder Springs Complex. Thus, each quarry site holds a cultural significance to the Tribe.

#### **Site P-33-001512**

The LSA 12/14/07 Memo concluded that this site was not eligible under Criterion D/4 or any other criteria because of its lack of stratigraphy, the deflationary nature of the sediments, and the bioturbation that is present. As explained above, these reasons cannot be determining factors for eligibility for quarry sites because the nature of the sites are such that their natural order is

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<sup>3</sup> Chartkoff, Joseph L. A Nested Hierarchy of Contexts: An Approach to Defining Significance for Lithic Scatters. *Journal of California and Great Basin Anthropology* Vol. 17, No.1 (1995). PP 28-40.

deflationary, lacks stratigraphy and provides a good environment for bioturbation. Moreover, the LSA 12/14/07 Memo contradicts itself regarding this site by stating that, “the overall physical integrity of site 33-001512 is....still generally good” (LSA 12/14/07 Memo, Pg. 3), and that 33-001512 is “a good example for the region of prehistoric quarrying activities....” (LSA 12/14/07 Memo, Pg. 4), and yet concludes that it is not eligible because does not have the ability to yield further data. Further, although there are thousands of artifacts present at this site, preliminary observations by LSA place them all within the same artifact class. The LSA 12/14/07 Memo also finds “no temporally diagnostic artifacts” or charcoal or other datable organics for radiocarbon dating. The lack of such temporally diagnostic material has been discussed above, and thus the Tribe does not believe that such lack is an adequate fact in making a determination that a site is not eligible under Criterion D/4.

The Tribe believes this site is eligible under Criterion D/4 for numerous reasons, including the fact that, as discussed above, it is culturally significant. In addition, while the LSA 12/14/07 Memo argues that this site is not unique because there are two other similar site types nearby, the Tribe disagrees with this assessment. What the LSA 12/14/07 Memo fails to note is that this is the largest and the best preserved of the quarries and that, of the three total quarries within the proposed alignment, two are proposed for destruction. Moreover, as the Tribe has already expressed, many of the quarries which previously existed within western Riverside County have already been destroyed through development. Thus, on a regional basis, very few such quarry sites remain making this quarry even more unique.

Not only is the site itself unique, but the Tribe believes that the materials which comprise the quarry are as well. LSA argues that the materials in all three quarries are similar. However, the quarry that is to be preserved by an ESA, 33-001649, does not appear to contain identical materials as 33-001512 and 33-001650/-016687 and therefore, cannot represent 33-001512 and 33-001650/-016687 if they are destroyed. According to the site record for 33-001649, the source material is a black metasedimentary. Based upon our observations, the materials from 33-001512 and 33-001650/-016687 consist of a light tan or gray to pink-brown with some banding present. We would argue that trace element analysis should be conducted on these sites in order to establish if there are any similarities and make adequate conclusions for eligibility.

#### **Site P-33-001650/-016687**

Likewise, the Tribe believes that this site should be deemed eligible both because of its cultural significance and because of its ability to provide information about how these quarries were utilized by our ancestors. The Tribe therefore disagrees with the LSA 12/14/07 Memo conclusion that this site is not eligible under Criterion D/4 or any other criteria because of erosional factors such as deflation of the soils, bioturbation, lack of intact stratigraphy and exfoliation of outcrops. The LSA 12/14/07 Memo also states that the site “does not appear to have the potential to answer other important research domain questions,” “the portions investigated do not appear to contribute an evaluation of site significance under Criterion D/4,” and “it does not have the ability to yield further data”. However, the Memo never explains how these conclusions were drawn and provides no support for such conclusions. Rather, there

appears to be support for an opposite conclusion. According to the Memo, there is depth to the site and workshop areas were defined which could therefore have the potential for providing additional data. As noted above, erosion cannot be the determining factor for eligibility for quarries as they are, by nature, located in deflationary environments.

In addition, only a small representative sample of the site was even tested. The entire site needs to be factored in to any eligibility determination. Once again, the Tribe objects to the piecemeal nature in which the assessment and recommendations were conducted.

## **B. HABITATION SITES**

Habitation sites are of utmost importance to the Tribe because they are the last physical remains of where our ancestors lived. They contain information and data that are reflective of every aspect of tribal culture.

A major problem that the Tribe has been observing over the last few decades is the shift in archaeological practices which look at these resources on an individual scale, on a project-by-project basis. This piecemeal type of assessment belies the fact that many of these sites are much larger complexes, and thus results in evaluations of the sites as not being significant. Further, this kind of piecemeal approach seems to be contrary to the tenants of archaeology which in this Memorandum have been said to require sites and artifacts be evaluated in their original location and condition. Because of this approach, very little regional research had been conducted within the Riverside County area to connect the dots. This has resulted in the systematic destruction of villages and habitation areas.

As with quarries, habitation areas must be looked at with a specialized set of criteria in order to scientifically designate a site as eligible. As previously stated, these different components within habitation areas are often segmented; that is, recording them as individual sites instead of recognizing them as a part of a whole.

Glassow (1985)<sup>4</sup> addresses the issue of how site complexes and regional complexes (i.e. villages and habitation areas) are being divided into smaller sites for analysis, and how such analysis misses the full meaning of the sites and results in a “write-off” or dismissal of sites based only a partial analysis. Small sites are described as those sites which “typically have surface areas on the order of 1,000 m<sup>2</sup> or less, deposits of less than 50 cm depth, only two or three major classes of cultural remains and very few, most often fragmentary finished artifacts” (59). He states, “...(S)ites on the smaller end of the size range are being systematically neglected by many archaeologists in favor of sites on the larger end of the size range. Not only are small sites seldom investigated, but they are frequently assessed as having no appreciable significance to research and are therefore being destroyed...”(ibid: 58). He further provides an example of an archaeological document that determined a site to be not eligible for the register.

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<sup>4</sup> Glassow, Michael A. The Significance of Small Sites to California Archaeology. Journal of California and Great Basin Anthropology Vol. 7, No.1. PP 58-66 (1985).

The assessment stated that although the small site, which contained a lithic scatter and two bifacial tools, contained high integrity, the potential to answer research questions was limited and thus the site was not eligible. This limited data was based only upon a survey and one posthole test unit. With regard to this Project, the Tribe asserts that the same methodology and resulting dismissal of sites is occurring. For example, the Draft Extended Phase I (XPI) Survey Report states, "Of these 73 sites, 57 sites within the direct APE contain bedrock milling without associated surface artifacts, and all of these sites measure less than 1,000 square meters (sq m)" (2007:8). The archaeologists for this Project then proceeded to dismiss most of the sites identified in the XPI and choose to focus only on eight (8) sites for the Phase II analysis out of the original 57 sites within the APE. According to the Draft Extended Phase I Report, these sites have been systematically removed from any list of concern because they did not exhibit surface or presumably subsurface artifacts. In other words, because they are simply bedrock milling features, they are not significant. Following Glassow's example, the archeologists for this Project focused only on the larger sites and analyzed those in a vacuum context, looking only at the site itself and ignoring the fact that those sites are located in huge complexes of individually recorded sites (the sites that were originally dismissed for only being milling features). To illustrate, the Pechanga tribe conducted our own brief review at the Eastern Information Center on Sections 13 and 14 of the Steele Peak 7.5' quadrangle. We discovered that there are 150± individually recorded sites within this area. This is the same area where three (3) of the larger habitation sites subject to Phase II are located (P-33-016678, P-33-06679, P-33-016680). During the Project archeologist's analysis of those three (3) sites, nothing was mentioned about their location among these huge complexes of sites and no specific information on these site complexes was presented to the Tribe for review or comment on – we had to obtain the information ourselves. We understand that the Project proponents and Project archeologists have explained that they are only obligated to review sites within the APE. However, in order to understand the true meaning and value of the sites within the APE, it is imperative that any analysis take into account the relationship and contribution of those sites to the bigger complex.

As stated in several consultation meetings with the Lead Agency and CalTrans, the Tribe would like to, again, point out that scientifically assessing sites on a small-scale means the systematic and deliberate destruction of portions of village and habitation complexes, of which there are an increasingly diminishing number. If this destruction continues, the only remaining features of our villages will be small portions that have been chosen by archeologists to be "saved" based only on a scientific assessment and valuation of the site. This sort of methodology completely ignores the value of a site's contribution to the entire habitation area and the cultural importance of these villages and habitation areas. As with quarry sites, the Tribe would like to encourage archaeologists not to just look at the number of bedrock milling sites and conclude that because there are so many they are insignificant. Rather, the Tribe asserts that archeologists must look at how these features relate to each other. Glassow argues, "(A) small site and its contents gain importance as a document of a set of activities that occurred at a specific place within a particular setting. While the same set of activities might have occurred at a number of other places, it is often important to know the number of such places and variations in their settings" (60). Large regional projects like Mid-County Parkway are the appropriate time for comparisons of artifact collections to occur and to start piecing the bigger picture

together. Trade and travel patterns can be assessed, site formation, ceremonial comparisons, and site type comparisons can all be made. In addition, settlement patterns can be assessed, and the list goes on. Habitation/village sites are often identified, but the next step of conducting the research in order to put them into context is usually not taken. This lack of context results in destruction of the individual sites and of our cultural heritage.

In addition, by continuing to utilize this methodology, archeologists are not necessarily saving the correct portions of the complexes and villages, but only the portions they deem to have scientific value. By archeologists using this methodology, we as a society are likely missing the most essential pieces of the puzzle and, most importantly, ignoring the cultural value. True and Waugh (1982) pointed out that the Luiseño Mission Indians were resourceful with almost an innate ability to adapt to changing circumstances. They argue that either pre-contact or post-contact San Luis Rey Luiseño people had demonstrated a high degree of adaptable behavior as they consolidated to form more complex systems, placing their villages in locations that are situated near the most reliable regional water supplies. True and Waugh proposed that this could only occur within a social matrix capable of sustaining the mosaic of productive, ritual, and social relationships inherent to "village" organizations. In other words, the Luiseño people had developed a very complex sense of community and permanent Settlement Pattern: it was embedded in their Social History. Kroeber (1925) and Heizer (1978) also used ethnographic data to describe the Luiseño Indians' settlement pattern as consisting of permanent villages located in proximity to reliable sources of water and within range of a variety of floral and faunal food resources, which were exploited from temporary camp locations surrounding the main village. Each village of 75-200 people was occupied by one or more patrilineal clans. Frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. In other words, the areas where there are numerous sites located are remains of complex habitation sites or villages, containing all the components of our ancestor's society. Necessarily, all the sites are related to each other. As such, the Project archeologists for this Project must revise the methodology to incorporate a regional and cultural analysis. To better understand the Tribe's regional view and why we believe the "piecemealing" of sites falls short of a legally appropriate analysis, we have attached to this comment letter a confidential appendix concerning the cultural significance of the MPC Project area to the Pechanga Tribe (Appendix A).<sup>5</sup> We will further explain below how comments apply to the four (4) habitation sites at issue for this Project.

#### **Site PP-33-16598**

According to the LSA 12/14/07 Memo, this site is a multi-use habitation site. It is also known as the Lizard Shrine site and has already been extensively studied in connection with a County of Riverside project, the Villages of Lakeview. It is our understanding that only a portion of the site will be disturbed by this Project. As a result, the Phase II excavations of multiple trenches and units were conducted in the portion of the site within the Project ROW.

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<sup>5</sup> We request that this information be kept confidential and not be published or distributed to the public. This information is only intended for use by the agencies processing the MCP Project application and environmental assessment. This information must be kept confidential and may not be published or distributed to the public.

Although culturally significant resources were uncovered during the Phase II testing, LSA made the determination that, “There is no evidence within the excavations observed for midden soil or cultural stratigraphy, and it is *likely* that all subsurface artifacts were transported into the area by flowing water, and further displaced by extensive krotovina activity (emphasis added).” (LSA 12/14/07 Memo, Pg. 12). LSA then went on to recommend that the portion of the site tested be included within the overall site boundaries, but that it be determined a non-contributing element of the overall eligibility of the site, and thus could be destroyed.

First of all, it is already agreed that this site is register eligible and that it holds a tribal cultural significance. The entire village area is known as *Páavi* by the Pechanga people (which includes, but is not limited to, recorded archeological sites known as CA-RIV-393, CA-RIV-413, CA-RIV-398 and CA-RIV-414). As this is a significant site with important cultural value, the Pechanga Tribe has consistently taken the position that the entire site be avoided and preserved in place with no development activity to directly or indirectly affect this significant sacred area. Most recently, the Tribe took this position on the Villages of Lakeview Project. Since this MCP Project will also impact the *Páavi* site, the Tribe continues to take the same position here.

As the Tribe expected, during the Phase II work cultural items of a significant and ceremonial nature to Pechanga were uncovered. “At least three unique artifacts were discovered during the survey, a large granitic discoidal, a fragment of a quartz mano, and a mano with red pigment on it” (LSA 12/14/07 Memo, Pg. 8). These items are consistent with the high significance of the site and are representative of the types of items likely to be uncovered if this area is ever subject to development.

The Tribe asserts that this entire Site, 33-016598, including the area of the Site that is within the Project ROW, is eligible under the National Register Criteria. LSA’s dismissal of the significant resources that were uncovered here, just because of a lack of stratigraphy, does not necessitate a conclusion that this site is not eligible or that this area of the site is “not a contributing component.” The fact is, items of a significant and ceremonial nature were found in this area and there is no basis in archeological methodology to systematically discount them in this manner. While it may be important to note their limitations for scientific analysis, such limitations cannot be the determining factor in deciding eligibility, and there is no basis for making such a determination. Moreover, there appears to be no basis for discounting the value of the items found in order to make the determination that the area of the site within the Project ROW is not a contributing factor to the site as a whole. This is once again a piecemeal approach to assessing and evaluating sites.

In fact, this site is so culturally important that the Tribe believes that destruction of any portion of the site is a destruction of the totality of the site. The Tribe believes that all portions are contributing components to the overall integrity of the site as demonstrated by the presence of ceremonial items and the drawing of the site boundary to include this area. The theory that these items have all been transferred to this area by alluvial flow is just conjecture and we have been shown no definitive proof of such a theory. In addition, even if that theory was true, nature cannot be used as a reason to systematically piecemeal sites so that portions can be destroyed



because they are not in their original context. By utilizing this theory and methodology, it would necessarily follow that because of the passage of time and the events of mother nature, there would never be any site that would be register eligible. There is no site in existence that remains completely intact from its original usage. The items were not found miles away from the site such that there would be a question as to whether they were a contributing part of this site. We know these items came from this site. For register eligibility, it does not matter that these items may not be in their original context since they are present and part of the site.

This alluvial flow theory is just that – a theory. This theory also neglects to take into account any cultural explanation as to why the artifacts might be there. For instance, our ancestors gave accounts of a legend of a powerful páavawut, an evil serpent who lived in Mystic Lake and terrorized the people. Even though the people lived in the area because of the resources many stayed away from the water. The threat of the páavawut gave our ancestors a healthy respect for an immediate distance from the water. As such, concentrations of resources away from the main area may also be attributed to a cultural explanation.

In addition, there were two (2) burials of Native American human remains found in this area during development of a different project, known as the Inland Feeder Project. This was mentioned nowhere in the eligibility analysis or the prior archaeological documents provided to the Tribe. Such inadvertent discoveries must be accounted for in the environmental document for this Project because it is likely they will occur. We would hope that human remains and other inadvertent discoveries of a similar nature would not be treated in the same manner as the resources have been treated in this eligibility document, namely, that they will be written off because they are in an alluvial area.

Also, since the Tribe's position that no indirect impacts occur to the site because of its heightened cultural sensitivity, mitigation measures must be created to take such impacts into account.

In sum, because of this utmost cultural sensitivity of Site 33-016598, the significant cultural items that were found during the Phase II Program, and the high probability for inadvertent discoveries of a sensitive nature, the Tribe asserts that this Site is register eligible and that the portion of the site that is within the Project ROW be considered part of the overall eligible site.

**Site P-33-016678 / Site P-33-016679 / Site P-33-016680**

The LSA 12/14/07 Memo describes all three of these sites (P-33-016678, P-33-016679, and P-33-016680) as habitation and milling sites with visible surface artifacts, including milling features and slicks. All of the sites were recommended as ineligible for the register because of lack of subsurface components, disturbed and deflated contexts and paucity of subsurface artifacts. Even though items of a significant nature that did contribute to the scientific knowledge and cultural knowledge of the site were found, LSA dismissed these items solely

because their exact context had been compromised, i.e. they were not *in situ* (LSA 12/14/07 Memo, Pg 13 and 16).

As explained in the “Habitation” section above, the Tribe does not believe that the presence of disturbed and deflated contexts can be used as a reason to exclude sites from register eligibility on a wholesale basis. First of all, the Tribe believes that the analysis of these three sites was not conducted correctly because each site was analyzed individually without regard for the context. It is of utmost importance to point out that these three sites are located in extremely close proximity to one another, within approximately 5000 feet of each other. In addition, there are more than 150 sites surrounding these three (3) sites making them part of an entire habitation complex. Moreover, within this habitation complex several cupule boulders and a rock shelter are present, thus changing the categorization of these sites from simple milling features to integral portions of a village complex. The LSA 12/14/07 Memo failed to acknowledge this context and did not factor it into the eligibility assessment. The Tribe asserts that these three (3) sites are all connected and related to one another and that they are part of this complex of sites that exists within the area. As such, the Tribe views these sites as part of an entire village complex containing all of the components of a village complex, including habitation, ceremonial usage and religious usage. This assertion is supported by the resources that exist in the area combined with our cultural knowledge of the area and how our ancestors lived.

During Phase II excavations in the areas of the three (3) sites, items of a culturally significant nature were recovered such as obsidian flakes, an obsidian biface fragment, a jasper spear point, an igneous Elko point and a leaf-shaped point (possibly Pinto), a pottery sherd, a Rosegate series projectile point, a hammerstone, and a core. Even though these resources are without provenience, they are themselves, nevertheless, indicative of the usage and meaning of this area and add to the cultural and archeological meaning of the complex, further allowing us to assess settlement patterns, subsistence base and trade patterns of the entire region. For example, the jasper spear is proof that our ancestors hunted large game on or near the immediate area and is proof of an older village habitation area. This is a significant fact in and of itself because it denotes subsistence patterns and provides chronological information for the area. Resources such as these necessarily increase the significance and importance of the area it comes from because it will give us clues to specific purpose and use of this village and of its relationship to the nearby villages such as Boulder Springs or the Motte Reserve area. In addition, the jasper is considered a trade item as most jaspers come from the desert area. This gives an entirely new meaning to this complex as part of a possible trade route or stop between major villages. These sorts of occurrences cannot be ignored in an eligibility assessment of this area.

In addition, during the Phase II work Pechanga identified two definitive and at least three other, less definite cupule boulders in this area. For some cultures, these grooves are cut away for their dietary purposes; for others these marks define territorial boundaries, while others demark ancestral ceremonial-markers with cupules. One thing we can say definitively is: these cupule boulders are located at most permanent Luiseño village-complexes throughout Riverside and Northern San Diego Counties. Cupules, either vertical “wave-shaped” or horizontal “ridge-back,” are found in almost all Luiseño complexes and villages. This is further proof that this

area is an actual village complex. As such, these sites must be analyzed as part of a village rather than as individual segmented features. Additionally, because these cupules are less definitive on this Rider Road-stretch where this three (3)-site complex is located, it is likely this area may have served as the ceremonial area prior to the people moving to Motte Reserve. In fact, near the Boulder Springs/Cajalco Creek village complex there are vertical wave-shaped boulders that appear to have “burned out” or have spent cupules upon them of the same manner. It’s a possibility cupules found within this three (3)-site complex, deemed less definitive by LSA, are actually the ceremonial features which were abandoned for the creation of newer ones at another village location. The Tribe has been told that because the cupule boulders are outside of the Project ROW, they will not be incorporated into the project data. Site assessment cannot be limited because of ROW boundaries. We understand that the cupule boulders themselves will not be destroyed; however they must be utilized in the assessment of the sites that will be impacted by the Project. To not incorporate them is to conduct only a partial analysis of the site. Further, by ignoring these resources, impacts such as disturbance to the integrity of the boulders by blasting and heavy equipment vibrations will not be addressed; nor will indirect visual and dumping impacts be handled properly.

In sum, the Tribe disagrees with LSA’s basis and conclusion regarding eligibility for these three (3) sites. The Tribe does not agree that the presence of disturbed and deflated contexts can be used as a reason to exclude sites from register eligibility. In fact, it seems that this reasoning is faulty and contradictory given that the LSA indicated in the AEP that, “These nine sites show signs of varying degrees of disturbance, although none is sufficiently disturbed that the loss of integrity would keep it from being considered significant (p. 33).” As such, the Tribe asserts these three (3) sites should be re-evaluated in conjunction with the surrounding sites to consist of one site, which is register eligible and thus deserves treatment accordingly.

#### **Site PP-33-016685**

Based upon the information provided to the Tribe, it doesn’t appear that this site would be register eligible; but in this case, the Tribe does not have enough information on the site and the surrounding cultural resources to make a determination as to whether we agree with the conclusion in the LSA 12/14/07 Memo. The Tribe has requested information and maps of the sites in the area from LSA, but have been told that there is no such information to provide. Given the proximity to the larger site complex discussed above, it seems reasonable to the Tribe that the area surrounding this site would likewise contain numerous other discounted sites. As such, we request further consultation on this site to determine whether we agree with the preliminary recommendation that this site is not register eligible.

The Pechanga Tribe looks forward to working together with FHWA, Cal Trans, RCTC, the Project Archaeologist and other interested agencies towards a MCP Project alignment that

protects and respects the important cultural resources in the Project area and fulfills applicable tribal consultation requirements. If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



Laura Miranda  
Deputy General Counsel

Cc: Cathy Bechtal, RCTC  
Karen Swope, Project Archaeologist, CalTrans  
Nina Delu, LSA  
Carol Legard, ACHP  
Dwight Dutschke, OHP  
Susan Stratton, OHP  
Brenda Tomaras, Tomaras & Ogas, LLP  
Pechanga Cultural Resources Department

## APPENDIX A

### CONFIDENTIAL ATTACHMENT

The following pages contain confidential information about archeological and cultural resources.

**PLEASE DO NOT PUBLISH IN THE PUBLIC RECORD  
PLEASE DO NOT DISSEMINATE TO THE PUBLIC**

We Payómkawichum/ Luiseño people consider what is currently known as Cajalco Road and the surrounding areas to be six (6) very distinct segments, yet still related. The story of these segments and how they relate to each other helps tell the story of our people, and is crucial for an adequate assessment of any of the sites along this road

#### Páxa'vxa – (Glen Ivy)

At the village of Páxa'vxa, at present day Glen Ivy, there was a cold spring (Hólwuna) and hot spring ('U'uumay). There are and were many oak trees to provide for a large village complex. Evidence of a large population of our ancestors living at Páxa'vxa was confirmed when over three hundred portable metates plus hundreds of additional items were recovered after this large village was deemed archaeologically insignificant in 2002 and finally destroyed in 2005.

#### Tu'uuv-(the large village where Dos Lagos Shopping is now located) to-Lake Matthews

This area is generally considered to be more ancient than many surrounding areas. There are over thirty (30) identified petroglyph-sites spanning from the Serrano Tanning Vat-area through most of Olsen Canyon. These tóotum yixélvalum/intelligent rocks/petroglyphs exhibit distinct Luiseño visual elements, which were predominant in our sand paintings and often echoed in our Luiseño basketry designs. The drainages in this area have been historically dry and many Tribal people concur (with anthropologists) that occupation of this stretch occurred prior to the emergence and usage of bedrock mortars. What eventually emerged was a trail which tied large complexes at Páxa'vxa and Tu'uuv together. This trail would have continued eastward to present day Cajalco Road and likely all the way to Mystic Lake. These larger populations would need an all-important access to the large medicinal swampland, which is now known as Lake Matthews.

#### The dam area of Lake Matthews to Harley John, and south to Gavillan Hills

The area where Lake Matthews is now located was a large gathering-area for the Payómkawichum/Luiseño people's Native medicinal plants such as huvámál (Yerba Buena) and chévnish (Yerba Mansa). These plants require constant amounts of water to survive. Often, they were ingested as teas. For the Luiseño, these plants were, and still are, used as curatives for stomach ailments and wounds, respectively. Several Luiseño

informants for Harrington, Oxendine, and Bean describe a seasonal gathering-cycle which began in Temecula, traveled to Soboba, and culminated in this medicinal plant area which is now Lake Matthews. The distribution of cultural features on the landscape would have shown an area full of bedrock mortars, slicks, portable mortars, a smaller amount of *tóotum* 'éskanistum/wonderfully designed rocks/pictograph pictograph boulders, and cupule boulders. Unfortunately, many bedrock mortars, pictograph panels, and cupule boulders in this span were flooded over and destroyed by DWP's creation of Lake Matthews.

#### Cajalco Road-Span from Harley John (Mockingbird Canyon-to-Boulder Springs)

CA-RIV-61/"Harley John"/Mockingbird Canyon site is a confirmed winter solstice site which has a cave that exhibits a phenomenological "light dagger" for three days surrounding the solstice. There are numerous bedrock mortars with average depths of six inches deep and having collars six inches wide. Further, the village is dotted with three distinctive rock art San Luis Rey-type elements such as zigzags, chevrons, handprints, and a classic "sunburst" design. Because of graffiti-vandals, Pechanga and Sherman Indian High School work actively to protect, steward, and educate our youth about this important location.

#### Boulder Springs/Cajalco Creek Village Complex.

The Boulder Springs/Cajalco Creek village complex lies geographically between the modern 15 and 215 freeways. For our ancestors, it also served as a mid-way point on their trail to Pá'ava/Mystic Lake. Within two square miles (between Wood and Cajalco Creek) there are seven vertical-wave-shaped cupule boulders (also called Naháchish). Beyond the numerous bedrock mortars and slicks are four ancestral quartz quarries. Quartz points were important to the Payómkawichum because it is taught that *\$uukat* (deer), who gave his life for the starving people in our Creation Story, could only be taken by a point made of quartz. Luiseño Pávyut/Ceremonial wands, kept by the religious *nóot/shaman* of a village, required a five-sided piece of quartz upon them. Quartz is not an easy material to work with because it does not flake as easily as obsidian or chert. For the Luiseño, the level of difficulty is commensurate with the more important religious/ceremonial use of quartz. The dispersion of quartz quarries in the Cajalco area is not surprising for us because the material was required for religious purposes. Further, the metavolcanic/metasedimentary quarries' locations within the Project area were counted on to support the large complexes at Paavxa (Glen Ivy), Tu'uuv (South Corona), and Qaxáalku (the span between Lake Matthews and the March ARB).

The etymology of the Spanish word Cajalco derives from the Luiseño word for "place of quail" or Qaxáalku. The suffix "ku" is considered a more archaic form of the suffix "anga," which means place of (as in Pechanga--place of dripping water). Throughout the Qaxáalku area there are still quail but almost as important are the *kukúulam* or burrowing owl, that once lived there in large numbers. The areas provide low-lying bedrock boulders which are an ideal habitat for the owls. According to J.P. Harrington, Pechanga's informant Celestine Ahuayo relates: "*the (that type of) area was known as*

*kukúulam pomkí, which means where the ground owl houses.*” Kukúul /burrowing owl are important for the Luiseño because of their status in our Creation Story. Boscana wrote of the burrowing owl’s role in the Story: *‘It was determined by (the lower animals) that Father Wuyóot should receive his death by means of poison. Kukúulmal (the small burrowing owl) perceived this and immediately gave the information to Wuyóot.’* Eventually, Wuyóot did succumb to poison but the burrowing owl gained a distinction in our Luiseño songs as a good messenger. The Payómkawichum would have revered the area where this “good apostle” lived by living there as well.

#### Oleander (area directly across from March ARB’s runway-to Rider Road-to Motte Reserve

Besides being known as kukúulam pomkí, this segment is dotted with various blue line streams, which come to life nowadays when it rains. Life for any city depends on the constant flow of water. It was the same for our people. Although the area appears bone-dry today, there is evidence of at least three distinct village satellites from March ARB to Motte Reserve. Perhaps, the area had water but not enough to sustain a large complex such as the Cajalco Creek complex. To conserve the limited resources of the area, the people would be intentionally dispersed. Today, it appears the majority of the ceremonial pictograph/cupule features are relegated to Motte Reserve, while the larger habitation was occurring between Rider Road, Cajalco Creek and the Oleander sites.

#### Links to the Current MCP Study and Evaluation

During the Phase II Program, Pechanga Cultural Monitors identified two definitive and at least three other, less definite cupule boulders in this area. We began to rethink that this area, the Rider Road-stretch, could have served as the ceremonial area prior to the features being created and used at Motte Reserve. To the immediate north of Cajalco Road, CA-RIV-1263, there are vertical wave-shaped boulders that appear to have “burned out” or spent cupules upon them. Pechanga recorded these in 2006 as possible cupule boulders. Perhaps, the cupules found in the Rider Road area, deemed less definitive by LSA, are actually the ceremonial features which were abandoned for the creation of newer ones at Motte Reserve. The age of the areas also seems to point to this possibility.

This Rider Road/in-between area is dotted with slicks and bedrock mortars which would have been used for grinding and pounding bone for calcium, plants for medicine, and various seeds for sustenance. Further, the existence of mortars indicates that, just because there is a lack of oak trees now, does not mean there were no oaks to make our wíiwish (acorn mush which made up 65% of the diet). As our Tribal Elders recount in the Menifee and Winchester Valleys: *“the few oak trees which were there were (historically) chopped down to scare away the people.”* We Luiseño contend that these three areas Oleander-to Rider-to-Motte have a north-to-south connection, which has been chopped up by road construction and growing city boundaries.

During Mid County Parkway testing of P-33-016678, 33-016679 and 33-016680, various points, flakes, slicks, and mortars were identified. With or without provenience, the jasper spear point found at 33-016679 is proof that our ancestors hunted large game on/near that immediate area. This spear type is indicative of our ancestor's older gathering/village locations as the larger game would have moved westward as the arid climates encroached.

Motte/Rimrock Preserve, has four well-preserved pictograph areas and two known cupule areas which border the LSA's testing area and the MCP ROW/APE. At Motte, there are two known "wave shaped" cupule boulders. While Western thinking may separate the two places, we do not. We believe there is no cultural separation between the two locations: Motte Preserve and the habitation site found at 33-016678 to 33-016680. In 1908, Constance Dubois wrote about the Luiseño girl's puberty rite, where everyone in the village could "*watch the young girls race up to rock and put their marks.*" Our Elders affirm that this location would have to be a place where everyone in the village would have to be able to watch from. Given the topography of this large habitation/village site (33-016678 to 33-016680 and the surrounding sites), we believe that the area of the site could be a lot larger than Western anthropology/archaeology have previously given our people credit for.