

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

## NATIVE AMERICAN HERITAGE COMMISSION

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November 21, 2008

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RIVERSIDE COUNTY  
TRANSPORTATION COMMISSION

Ms. Cathy Bechtel  
RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92501

Re: SCH#2004111103: CEQA Notice of Completion; draft Environmental Impact Report (DEIR), for the Mid-County Parkway Project, located in western Riverside County, California

Dear Ms. Bechtel:

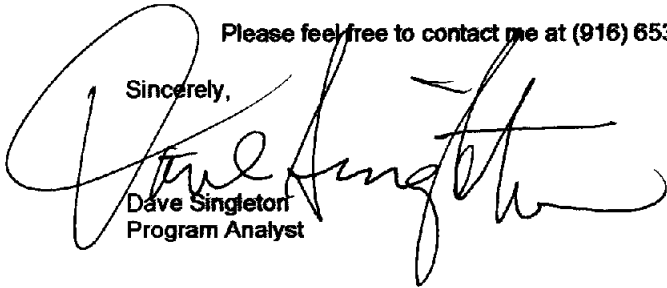
The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 designated to protect California's Native American Cultural Resources. The NAHC is also a 'participating agency' with the California Department of Transportation pursuant to §6005 of SAFETEA-LU codified at 23 U.S.C. 327(a)(2)(A). The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
  - If a part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- √ The Native American Heritage Commission (NAHC) performed:
  - \* A Sacred Lands File (SLF) search of the project 'area of potential effect (APE)': The results: No known Native American Cultural Resources were identified.; However the NAHC SLF is not exhaustive and local tribal contacts should be consulted from the attached list.
  - The NAHC advises the use of Native American Monitors, also, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC, FURTHER, recommends that contact be made with Native American Contacts on the attached list to get their input on potential IMPACT of the project (APE) on cultural resources.. In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s) or Native American individuals or elders.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Again, a culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
  - \* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- √ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
- √ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts  
Riverside County  
November 21, 2008

Los Coyotes Band of Mission Indians  
Katherine Saubel, Spokesperson  
P.O. Box 189 Cahuilla  
Warner, CA 92086  
loscoyotes@earthlink.net  
(760) 782-0711  
(760) 782-2701 - FAX

Pechanga Band of Mission Indians  
Paul Macarro, Cultural Resource Center  
P.O. Box 1477 Luiseno  
Temecula, CA 92593  
(951) 308-9295 Ext 8106  
(951) 676-2768  
(951) 506-9491 Fax

Ramona Band of Cahuilla Mission Indians  
Joseph Hamilton, Chairman  
P.O. Box 391670 Cahuilla  
Anza, CA 92539  
admin@ramonatribe.com  
(951) 763-4105  
(951) 763-4325 Fax

San Manuel Band of Mission Indians  
James Ramos, Chairperson  
26569 Community Center Drive Serrano  
Highland, CA 92346  
(909) 864-8933  
(909) 864-3724 - FAX  
(909) 864-3370 Fax

Soboba Band of Mission Indians  
Robert Salgado, Chairperson  
P.O. Box 487 Luiseno  
San Jacinto, CA 92581  
dhill@soboba-nsn.gov  
(951) 654-2765  
(951) 654-4198 - Fax

Gabrieleno/Tongva San Gabriel Band of Mission  
Anthony Morales, Chairperson  
PO Box 693 Gabrielino Tongva  
San Gabriel, CA 91778  
ChiefRBwife@aol.com  
(626) 286-1632  
(626) 286-1758 - Home  
(626) 286-1262 Fax

Santa Rosa Band of Mission Indians  
John Marcus, Chairman  
P.O. Box 609 Cahuilla  
Hemet, CA 92546  
srtribaloffice@aol.com  
(951) 658-5311  
(951) 658-6733 Fax

Gabrielino/Tongva Council / Gabrielino Tongva Nation  
Sam Dunlap, Tribal Secretary  
761 Terminal Street; Bldg 1, 2nd floor Gabrielino Tongva  
Los Angeles, CA 90021  
office @tongvatribes.net  
(213) 489-5001 - Office  
(909) 262-9351 - cell  
(213) 489-5002 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004111102; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Mid-County Parkway Project; Western Riverside County California; Riverside County Transportation Commission (RCTC) and California Department of Transportation and the Federal Highway Administration.

Native American Contacts  
Riverside County  
November 21, 2008

Morongo Band of Mission Indians  
Michael Contreras, Cultural Heritage Prog. Manager  
13000 Fields Road                      Cahuilla  
Banning                      , CA 92220      Serrano  
(951) 755-5025  
(951)201-1866 - cell  
(951) 922-0105 Fax

Soboba Band of Luiseno Indians  
Erica Helms, Cultural Resources Manager  
P.O. Box 487                                      Luiseno  
San Jacinto                      , CA 92581  
dhill@soboba-nsn.gov  
(951) 654-2765  
FAX: (951) 654-4198

San Manuel Band of Mission Indians  
Ann Brierty, Environmental Department  
101 Pure Water Lane                      Serrano  
Highland                      , CA 92346  
abrierty@sanmanuel-nsn.gov  
(909) 863-5899 EXT-4321

(909) 862-5152 Fax

Willie Pink  
48310 Pechanga Road                      Luiseno  
Termecla                      , CA 92592  
wjpink@hotmail.com  
(909) 936-1216  
Prefers e-mail contact

Serrano Nation of Indians  
Goldie Walker  
6588 Valaria Drive                      Serrano  
Highland                      , CA 92346  
(909) 862-9883

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