

ATTACHMENT J-4

SECTION 106 CONSULTATION CORRESPONDENCE WITH NATIVE AMERICAN TRIBES, NATIVE AMERICAN HERITAGE COMMISSION, THE STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

This attachment contains the following materials:

- August 19, 2004 letter from the Native American Heritage Commission (NAHC) to LSA Associates, Inc., regarding the request for a records search for the project area (8 pages)
- December 9, 2004 letter from the NAHC to RCTC regarding the need for consultation with Native American Individuals and tribes in the project area (5 pages)
- Summary of May 23, 2007 State Historic Preservation Officer (SHPO) Coordination Meeting for the Mid County Parkway Project (6 pages)
- August 13, 2007 letter from FHWA to the SHPO regarding the Phased Evaluation and Finding of Effect under Section 106 for the Mid County Parkway Project (2 pages)
- October 22, 2007 letter from FHWA to Soboba Band of Luiseno Indians regarding the Mid County Parkway Archaeological Testing Program (2 pages)
- October 24, 2007 letter from FHWA to Pechanga Band of Luiseno Indians regarding the Mid County Parkway Archaeological Testing Program (3 pages)
- October 30, 2007 letter from FHWA to San Gabriel Band of Mission Indians regarding the Mid County Parkway Archaeological Testing Program (3 pages)
- May 9, 2008 letter from FHWA to the SHPO regarding the Phased Evaluation and Finding of Effect under Section 106 for the Mid County Parkway Project (3 pages)
- May 16, 2008 letter from FHWA to the Temecula Band of Mission Indians regarding the Pechanga Tribe Comment Letter on the Preliminary Recommendations of Eligibility and Level of Effects for the Mid County Parkway Project (11 pages)
- June 27, 2008 letter from SHPO to FHWA regarding SHPO's concurrence on the phase evaluation and finding of effect approach (1 page)
- July 31, 2008 letter from FHWA to SHPO regarding the Preliminary Determinations of Eligibility and Finding of Adverse Effect for the Mid County Parkway Project (3 pages)

- August 28, 2008 letter from SHPO to FHWA regarding SHPO's concurrence with the preliminary determinations of eligibility and finding of adverse effect (1 page)
- November 21, 2011 letter from Caltrans to the Soboba Band of Luiseno Indians (Mr. Joe Ontiveros) regarding the Draft Historic Property Survey Report (HPSR) for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Pechanga Band of Mission Indians (Mr. Paul Macarro) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Morongo Band of Mission Indians (Mr. Michael Contreras, Jr.) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Pechanga Band of Mission Indians (Ms. Anna Hoover) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Cahuilla Band of Indians (Ms. Yvonne Markle) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Cahuilla Band of Indians (Mr. Luther Salgado, Sr.) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Gabrielino/Tongva Council/Gabrielino Tongva Nation (Mr. Samuel Dunlap) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Adrian Morales) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Ramona Band of Mission Indians (Mr. John Gomez, Jr.) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Pechanga Band of Mission Indians (Mr. Mark Macarro) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Anthony Morales) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Ramona Band of Mission Indians (Mr. Joseph Hamilton) regarding the Draft HPSR for the project (2 pages)
- February 22, 2012 letter from Pechanga Cultural Resources, Temecula Band of Luiseno Mission Indians providing comments on the Draft Historic Property Survey Report (HPSR) for the Mid County Parkway (82 pages)
- April 23, 2012 letter from Pechanga Cultural Resources, Temecula Band of Luiseno Mission Indians providing comments on the Findings of Effect for the Mid County Parkway (6 pages)

- June 14, 2012 letter from FHWA to Pechanga Band of Luiseno Mission Indians responding to the Pechanga Tribe comment letter on the HPSR (6 pages)
- June 27, 2012 letter from Caltrans to SHPO requesting concurrence on Determinations of Eligibility for the Proposed Mid County Parkway Project (4 pages)
- July 31, 2012 letter from FHWA to SHPO regarding the Finding of Adverse Effect for the Proposed Mid County Parkway Project (3 pages)
- July 31, 2012 letter from FHWA to Pechanga Band of Luiseno Mission Indians responding to the Pechanga Tribe comment letter on the Draft Findings of Effect (3 pages)
- Summary of August 16, 2012 Meeting with the Soboba Band of Luiseno Indians (for the Mid County Parkway Project (4 pages)
- September 18, 2012 letter from SHPO to FHWA regarding concurrence on the findings of eligibility and effect (2 pages)
- November 27, 2012 letter from Caltrans to Pechanga Band of Luiseno Mission Indians regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Ramona Band of Cahuilla Mission Indians (Mr. Joseph Hamilton) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Ramona Band of Cahuilla Mission Indians (Mr. John Gomez) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Morongo Band of Mission Indians regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Soboba Band of Luiseno Indians regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Gabrielino/Tongva Council/Gabrielino/Tongva Nation regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Anthony Morales) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Adrian Morales) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Cahuilla Band of Indians (Mr. Luther Salgado) regarding the revised Findings of Effect (2 pages)

- November 27, 2012 letter from Caltrans to the Cahuilla Band of Indians (Ms. Yvonne Markel) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Pechanga Band of Indians (Mr. Mark Macarro) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Pechanga Band of Indians (Ms. Anna Hoover) regarding the revised Findings of Effect (2 pages)
- November 30, 2012 letter from FHWA to SHPO regarding the Finding of Effect for the Mid County Parkway project (2 pages)
- April 24, 2014 letter from the Federal Highway Administration to the Advisory Council on Historic Preservation providing Notification of Finding of Adverse Effect for the Mid County Parkway Project, Riverside County, California (2 pages)
- May 20, 2014 letter from the Advisory Council on Historic Preservation to the Federal Highway Administration regarding the Notification of Finding of Adverse Effect for the Mid County Parkway Project, Riverside County, California (2 pages)
- May 29, 2014 letter from the Federal Highway Administration to the Advisory Council on Historic Preservation providing Response to Comments for the Notification of Finding of Adverse Effect for the Mid County Parkway Project, Riverside County, California (2 pages)
- July 18, 2014 letter from the Advisory Council on Historic Preservation to the Federal Highway Administration regarding the Proposed Mid County Parkway Project, Riverside County, California (1 page)
- April 29, 2014 letter from the Federal Highway Administration to the State Historic Preservation Officer regarding the Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project (3 pages)
- September 18, 2014 letter from the Federal Highway Administration to the State Historic Preservation Officer regarding the Revised Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project (3 pages)

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

916 CAPITOL MALL, ROOM 384
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov



August 19, 2004

Curt Duke
LSA Associates, Inc.
1650 Spruce Street, 5th Floor
Riverside, CA 92507

Sent by Fax: 909-781-4277
Number of Pages: 7

RE: Proposed Cajalco Ramona Corridor project in the Corona South Quad, Riverside County. Cajalco Ramona Corridor project in the Lake Matthews, Steele Peak, Perris, and Lakeview Quads, Riverside County.

Dear Mr. Duke:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate organization tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-8251.

Sincerely,

Carol Gaubatz
Program Analyst

**NATIVE AMERICAN CONTACTS
Riverside County
August 18, 2004**

Samuel H. Dunlap
P.O. Box 1391
Temecula, CA 92593

(909) 262-8351 (Cell)
(909) 693-9196 FAX

Gabrielino
Cahuilla
Luiseno

Gabrielino/Tongva Council / Gabrielino Tongva Nation
501 Santa Monica Blvd., Suite 500
Santa Monica, CA 90401-2415

(310) 587-2203
(310) 587-2281 Fax

Coastal Gabrielino Diegueno
Jim Velasquez
5776 42nd Street
Riverside, CA 92509
(909) 784-6860

Gabrielino
Kumeyaay

La Jolla Band of Mission Indians
Wendy Schiater, Chairperson
22000 Highway 78
Pauma Valley, CA 92061
(760) 742-3771/72
(760) 742-1701 Fax

Gabrielino/Tongva Tribal Council
Anthony Morales, Chairperson
PO Box 693
San Gabriel, CA 91778
(626) 286-1632
(626) 286-1262 Fax
(626) 286-1758 (Home)

Gabrielino Tongva

Pala Band of Mission Indians
Robert Smith, Chairperson
P.O. Box 50
Pala, CA 92059
(760) 742-3784
(760) 742-1411 Fax

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021
Beaumont, CA 92223
(702) 647-0094: Phone/FAX

Gabrielino

Pauma & Yuima
Bennae Calac, Cultural Resource Coordinator
P.O. Box 369
Pauma Valley, CA 92061
(760) 742-1289
(760) 742-3422 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 7050.8 of the Health and Safety Code, Section 5097.34 of the Public Resources Code and Section 5097.58 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Cajalco Ramona Corridor project in the Corona South Quad, Riverside County.

NATIVE AMERICAN CONTACTS
Riverside County
August 18, 2004

Pauma & Yuima
Christobal C. Devers, Chairperson
P.O. Box 369 Luiseno
Pauma Valley, CA 92061
(760) 742-1289
(760) 742-3422 Fax

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair
1889 Sunset Dr. Luiseno
Vista, CA 92081 Cupeno

Pauma & Yuima
Juanita Dixon, Environmental Coordinator
P.O. Box 369 Luiseno
Pauma Valley, CA 92061
(760) 742-1289
(760) 742-3422 Fax

San Luis Rey Band of Mission Indians
Henry Contreras, Most Likely Descendent
1763 Chapulin Lane Luiseno
Fallbrook, CA 92028 Cupeno
(760) 728-6722 - Home
(760) 207-3618 - Cell

Pauma & Yuima
Valerie Linton, Tribal Administrator
P.O. Box 369 Luiseno
Pauma Valley, CA 92061
(760) 742-1289
(760) 742-3422 Fax

San Luis Rey Band of Mission Indians
Mark Mojado, Cultural Resources
P.O. Box 1 Luiseno
Pala, CA 92059
(760) 742-4468
(760) 586-4858 (cell)

Pechanga Band of Mission Indians
Mark Macarro, Chairperson
P.O. Box 1477 Luiseno
Temecula, CA 92593
(909) 678-2788
(909) 695-1778 Fax

San Luis Rey Band of Mission Indians
Russell Romo, Chairman
12084 Old Pomerado Road Luiseno
Poway, CA 92064 Cupeno
(858) 748-1586

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 5097.04 of the Public Resources Code and Section 5097.66 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Cajalco Ramona Corridor project in the Corona South Quad, Riverside County.

NATIVE AMERICAN CONTACTS
Riverside County
August 18, 2004

Soboba Band of Mission Indians
Robert J. Salgado, Sr., Chairperson
P.O. Box 487 Luiseno
San Jacinto, CA 92581
(909) 654-2765
Fax: (909) 654-4198

Ti'At Society
Cindi Alvitre
6602 Zelzah Avenue Gabrielino
Reseda, CA 91335
(714) 504-2468 Cell

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Capisco Ramona Corridor project in the Corona South Quad, Riverside County.

NATIVE AMERICAN CONTACTS
Riverside County
August 18, 2004

Alvino Silva
 2034 W. Westward
 Banning 92220
 CA
 (909) 849-3450

Cahuilla

Cahuilla Band of Mission Indians
 Anthony Madrigal, Jr., Environmental Coordinator
 P.O. Box 391760
 Anza, CA 92539
 (909) 763-5549
 fax: (909) 763-2808

Cahuilla

Anthony J. Andreas, Jr.
 3022 W. Nicolet Street
 Banning, CA 92220
 (909) 849-3844

Cahuilla

Morongo Band of Mission Indians
 Britt W. Wilson, Cultural Resources Coordinator
 245 N. Murray Street, Suite C
 Banning, CA 92220
 Serrano
 britt_wilson@morongo.org
 (951) 849-8807
 (951) 755-5200
 (951) 922-8146 Fax

Cahuilla

Serrano

Samuel H. Dunlap
 P.O. Box 1391
 Temecula, CA 92593
 (909) 262-9351 (Cell)
 (909) 693-8196 FAX

Gabrielino
 Cahuilla
 Luiseno

Pala Band of Mission Indians
 Robert Smith, Chairperson
 P.O. Box 50
 Pala, CA 92059
 (760) 742-3784
 (760) 742-1411 Fax

Luiseno
 Cupeno

Cahuilla Band of Indians
 Gerome Salgado, Chairperson
 P.O. Box 391760
 Anza, CA 92539
 (909) 763-5549
 (909) 763-2808 Fax

Cahuilla

Pechanga Band of Mission Indians
 Mark Macamo, Chairperson
 P.O. Box 1477
 Temecula, CA 92593
 (909) 676-2768
 (909) 695-1778 Fax

Luiseno

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Cajalón Ramona Corridor project in the Lake Mathews, Steele Peak, Perris, and Lakeview Quads, Riverside County.

NATIVE AMERICAN CONTACTS
Riverside County
August 18, 2004

Ramona Band of Mission Indians
 Anthony Largo, Environmental Coordinator
 P.O. Box 391372 Cahuilla
 Anza, CA 92539
 ramona41@gte.net
 (909) 763-4105
 (909) 763-4325 Fax

San Luis Rey Band of Mission Indians
 Carmen Mojado, Co-Chair
 1889 Sunset Dr. Luiseno
 Vista, CA 92081 Cupeno

Ramona Band of Mission Indians
 Joseph Hamilton, Representative
 P.O. Box 391670 Cahuilla
 Anza, CA 92539
 (909) 763-4105
 (909) 763-4325 Fax

San Luis Rey Band of Mission Indians
 Henry Contreras, Most Likely Descendent
 1763 Chapulin Lane Luiseno
 Fallbrook, CA 92028 Cupeno
 (760) 728-6722 - Home
 (760) 207-3618 - Cell

Ramona Band of Mission Indians
 Karen Kupcha, Tribal Administrator
 PO Box 1291 Cahuilla
 Yucca Valley, CA 92286
 ramona41@gte.net
 (760) 365-1373
 (760) 635-2684 Fax

San Luis Rey Band of Mission Indians
 Mark Mojado, Cultural Resources
 P.O. Box 1 Luiseno
 Pala, CA 92059
 (760) 742-4488
 (760) 586-4858 (cell)

Ramona Band of Mission Indians
 Manuel Hamilton, Chairperson
 P.O. Box 391372 Cahuilla
 Anza, CA 92539
 ramona41@gte.net
 (909) 763-4105
 (909) 763-4325 Fax

San Luis Rey Band of Mission Indians
 Russell Romo, Chairman
 12064 Old Pomerado Road Luiseno
 Poway, CA 92064 Cupeno
 (858) 748-1586

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Cajalco Ramona Corridor project in the Lake Mathews, Steeple Peak, Perris, and Lakeview Quads, Riverside County.

NATIVE AMERICAN CONTACTS
Riverside County
August 18, 2004

Santa Rosa Band of Mission Indians
Christina Arzate, Spokesperson
P.O. Box 390611 Cahuilla
Anza , CA 92539
(909) 763-5140
(909) 763-9781 Fax

Santa Rosa Band of Mission Indians
Terry Hughes, Tribal Administrator
P.O. Box 390611 Cahuilla
Anza , CA 92539
(909) 763-5140
(909) 763-9781 Fax

Soboba Band of Mission Indians
Robert J. Salgado, Sr., Chairperson
P.O. Box 487 Luiseno
San Jacinto , CA 92581
(909) 654-2765
Fax: (909) 654-4198

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Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7060.6 of the Health and Safety Code, Section 5007.04 of the Public Resources Code and Section 5007.08 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Cajalco Ramona Corridor project in the Lake Mathews, Santa Peak, Perris, and Lakeview Courts, Riverside County.

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STATE OF CALIFORNIA
Governor

ARTURO SOTOMAYOR

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 354
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



December 9, 2004

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon St, 3rd Floor
Riverside, CA 92502-2208

Re: Proposed Mid County Parkway Project DEIF
SCH# 2004111103

Dear Ms. Bechtel:

Thank you for the opportunity to comment on the above-mentioned document.

Early consultation with tribes in your area is the best way to identify Native American cultural resource concerns before a project is underway. Enclosed is a list of Native Americans individuals/organizations that may have unique knowledge of cultural resources in the project area. The Commission makes no recommendation of a single individual or group over another. Please contact all those listed; if they cannot supply you with specific information, they may be able to recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If you have not received a response within two weeks' time, we recommend that you follow-up with a telephone call to make sure that the information was received.

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the CEQA Guidelines, when significant cultural resources are that could be affected. Provisions should also be included for accidentally discovered archeological resources during construction per California Environmental Quality Act (CEQA), Public Resources Code §15064.5 (f), Health and Safety Code §7050.5, and Public Resources Code §5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery and should be included in all environmental documents. If you have any questions, please contact me at (916) 653-6251.

Sincerely,


Carol Gaubatz
Program Analyst

Cc: State Clearinghouse

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RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

B.1.9.2

Native American Contacts
Riverside County
December 9, 2004

Samuel H. Dunlap
P.O. Box 1391
Temecula , CA 92593
(909) 262-9351 (Cell)
(909) 693-9196 FAX

Gabrielino
Cahuilla
Luiseno

Fernandeno/Tataviam / San Fernando Mission Indians
Rudy J. Ortega, Jr., Tribal Administrator
601 South Brand Boulevard, Suite 102
San Fernando , CA 91340
rudy@tataviam.org
(818) 837-0794
(818) 837-0796 Fax

Gabrielino
Chumash
Tataviam
Yaqui

Craig Torres
713 E. Bishop
Santa Ana , CA 92701
(714) 542-6678

Gabrielino Tongva

Fernandeno/Tataviam / San Fernando Mission Indians
Lisa Ornelas, Senator of Cultural Affairs
601 South Brand Boulevard, Suite 102
San Fernando , CA 91340
lisa@tataviam.org
(818) 837-0794
(818) 837-0796 Fax

Gabrielino
Chumash
Tataviam
Yaqui

Coastal Gabrieleno Diegueno
Jim Velasques
5776 42nd Street
Riverside , CA 92509
(909) 784-6660

Gabrielino
Kumeyaay

Gabrieleno/Tongva Tribal Council
Anthony Morales, Chairperson
PO Box 693
San Gabriel , CA 91778
(626) 286-1632
(626) 286-1262 Fax
(626) 286-1758 (Home)

Gabrielino Tongva

Cupa Cultural Center (Pala Band)
William J. Contreras, Archaeology and Cultural Res.
P.O. Box 455
Pala , CA 92059
(760) 742-3784

Luiseno

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021
Beaumont , CA 92223
(909) 647-0094: Phone/FAX

Gabrielino

Fernandeno/Tataviam / San Fernando Mission Indians
Rudy J. Ortega, Sr., Chairperson
601 South Brand Boulevard, Suite 102
San Fernando , CA 91340
info@tataviam.org
(818) 837-0794
(818) 837-0796 Fax.

Gabrielino
Chumash
Tataviam
Yaqui

Gabrielino Tongva Indians of California Tribal Council
John Tommy Rosas, Vice Chair/Environmental
4712 Admiralty Way, Suite 172
Marina Del Rey , CA 90202
310-505-8568

Gabrielino Tongva

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Mid County Parkway Project, SCH# 200411103, Riverside County.

Native American Contacts
Riverside County
December 9, 2004

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB Gabrielino Tongva
Culver City , CA 90230
gtongva@earthlink.net
562-761-6417 - voice
562-920-9449 - fax

Paumotu & Yuima
Christobal C. Devers, Chairperson
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
(760) 742-1289
(760) 742-3422 Fax

Gabrielino Tongva Indians of California Tribal Council
Mercedes Dorame, Tribal Administrator
20990 Las Flores Mesa Drive Gabrielino Tongva
Malibu , CA 90202
Pluto05@hotmail.com

Pauma & Yuima
Bennae Calac, Cultural Resource Coordinator
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
(760) 802-1811
(760) 742-3422 Fax

Gabrielino/Tongva Council / Gabrielino Tongva Nation
501 Santa Monica Blvd., Suite 500 Gabrielino Tongva
Santa Monica 90401-2415
CA
(310) 587-2203
(310) 587-2281 Fax

Pauma & Yuima
Juanita Dixon, Environmental Coordinator
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
(760) 742-1289
(760) 742-3422 Fax

La Jolla Band of Mission Indians
Mr. Terri Hughes, Chairperson
22000 Highway 76 Luiseno
Pauma Valley , CA 92061
(760) 742-3771/72
(760) 742-1701 Fax

Pechanga Band of Mission Indians
Amy Minniear, Cultural Resource Center
P.O. Box 2183 Luiseno
Temecula , CA 92593
aminniear@pechanga-nsn.gov
(951) 308-9295
(951) 506-9491 Fax

Pala Band of Mission Indians
Robert Smith, Chairperson
P.O. Box 50 Luiseno
Pala , CA 92059 Cupeno
(760) 742-3784
(760) 742-1411 Fax

Pechanga Band of Mission Indians
Mark Macarro, Chairperson
P.O. Box 2183 Luiseno
Temecula , CA 92593
(951) 308-9295
(951) 506-9491 Fax

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Mid County Parkway Project, SCH# 200411103, Riverside County.

Native American Contacts
Riverside County
December 9, 2004

Rincon Band of Mission Indians
Culture Committee
P.O. Box 68 Luiseno
Valley Center , CA 92082
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Henry Contreras, Most Likely Descendent
1763 Chapulin Lane Luiseno
Fallbrook , CA 92028 Cupeno
(760) 728-6722 - Home
(760) 207-3618 - Cell

Rincon Band of Mission Indians
John Currier, Chairperson
P.O. Box 68 Luiseno
Valley Center , CA 92082
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Russell Romo, Chairman
12064 Old Pomerado Road Luiseno
Poway , CA 92064 Cupeno
(858) 748-1586

Rincon Band of Mission Indians
Rob Shaffer, Tribal Administrator
P.O. Box 68 Luiseno
Valley Center , CA 92082
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair
1889 Sunset Dr. Luiseno
Vista , CA 92081 Cupeno

Rincon Band of Mission Indians
Kristie Orosco, Environmental Coordinator
P.O. Box 68 Luiseno
Valley Center , CA 92082
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Mark Mojado, Cultural Resources
P.O. Box 1 Luiseno
Pala , CA 92059
(760) 742-4468
(760) 586-4858 (cell)

Rincon Band of Mission Indians
Ruth Calac, President, Rincon Heritage Commission
P.O. Box 68 Luiseno
Valley Center , CA 92082
(760) 749-1051
(760) 749-8901 Fax

Soboba Band of Mission Indians
Robert J. Salgado, Sr., Chairperson
P.O. Box 487 Luiseno
San Jacinto , CA 92581
(909) 654-2765
Fax: (909) 654-4198

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 7050.6 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 assessment for the proposed Mid County Parkway Project, SCH# 2004111103, Riverside County.

**Native American Contacts
Riverside County
December 9, 2004**

TI'At Society
Cindi Alvitre
6602 Zelzah Avenue
Reseda, CA 91335
(714) 504-2468 Cell

Gabrielino

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 assessment for the proposed Mid County Parkway Project, SCH# 2004111103, Riverside County.

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Meeting Summary
**SHPO COORDINATION MEETING FOR THE
MID COUNTY PARKWAY PROJECT**

Wednesday, May 23, 2007
10:00 a.m. – 12:00 p.m.
California Department of Parks and Recreation
Office of Historic Preservation
1416 9th Street, 9th Floor (Manzanita Room), Sacramento, CA 95814

ACTION ITEMS FROM THE MEETING:

- Staff from FHWA, Caltrans, RCTC, LSA, CH2M HILL, and Applied Earthworks (AE) will meet to discuss the potential National Register eligibility of the CBJ Dairy and to agree upon a consistent discussion of the resource in the documents for the SR79 and Mid County Parkway (MCP) projects.
- LSA will verify the location of the CBJ Dairy relative to the Area of Potential Effects (APE) for the MCP.
- The evaluation of SRI-VOL-22 will consider indirect effects to the site (e.g., integrity of the viewshed) in addition to any direct effects.
- The cultural resources evaluation will need to discuss the cumulative impacts to cultural resources resulting from the proposed MCP as well as various large land development projects within the area.
- RCTC will meet with the County of Riverside and the developer for the Villages of Lakeview to discuss the cumulative impacts to SRI-VOL-22, including avoidance/minimization measures proposed for the site by the Villages of Lakeview development project.
- The cultural resources treatment plan for the MCP project will consider the potential for buried sites, through an analysis of geomorphology, paleosoils, etc., with a treatment plan for dealing with unanticipated discoveries (such as construction monitoring). If necessary, a buried sites sampling plan for the project area would be prepared based upon known sensitivities. The sampling plan would involve the excavation of trenches, shovel test pits (STPs) and/or units on properties after they have been acquired for the project but prior to construction.
- The Section 4(f) Evaluation will identify the CBJ Dairy and the SRI-VOL-22 site as potential Section 4(f) resources. (Note: the CBJ Dairy has since been determined not eligible per field meeting of 6/21/07)

- FHWA will submit a letter to the SHPO on or before August 31, 2007 (with cc's to RCTC and Caltrans), identifying the proposed phasing of the Section 106 process for the project, including work performed to date, work in progress, and future activities.
- LSA will send a PDF file of the meeting maps to the OHP (Mike McGuirt).

ATTENDEES

Mike McGuirt (OHP)
 Karen Swope (Caltrans)
 Rob McCann (LSA)
 Nina Delu (LSA)
 Susan Goldberg (AE)

Edrie Vinson (FHWA)
 Cathy Bechtel (RCTC)
 Curt Duke (LSA)
 Carolyn Washburn (CH2M HILL)
 Vanessa Mirro (AE)

1. Purpose of Meeting

Edrie Vinson stated that the purpose of the meeting was to: 1) present information to the OHP to support the SHPO's concurrence on proceeding with Alternative 9 as the preferred MCP alternative, and, 2) to review the proposed phasing of the Section 106 process for the project, including a request for SHPO concurrence on preliminary Determinations of Eligibility and Findings of Effect prior to circulation of the Draft EIR/EIS in January 2008.

2. Review of Sites Affected by the MCP Project

Referring to materials distributed to meeting attendees prior to the meeting, Edrie Vinson and Nina Delu presented information on one historic resource (CBJ Dairy) and prehistoric archaeological resources affected by the project that are potentially eligible for the National Register and may warrant Phase 2 site testing.

CBJ Dairy: Edrie Vinson expressed concern that the SR79 and MCP project consultants were not consistent in their respective evaluations of this resource (for MCP, LSA had concluded that the dairy was not eligible for the National Register or the California Register; for SR79, AE had concluded that the dairy was not eligible for the National Register but was eligible for the California Register). Edrie Vinson stated that, based on her review of the information submitted by AE, the dairy may be eligible for the National Register. It was agreed that a separate meeting would be held between FHWA, Caltrans, RCTC, LSA, CH2M HILL, and AE to discuss the potential National Register eligibility of the CBJ Dairy, and to make sure that the resource is discussed consistently in the documents for the two projects.

P-33-13791: Edrie Vinson said no discussion of this site was needed since it is not within the APE for the preferred alternative (Alternative 9). It is within the APE for Alternatives 4-7 and thus fully avoided by Alternative 9. Alternatives 4-7 would have direct and indirect

(visual) impacts to the site. The site is potentially eligible for the National Register under criteria other than "d". (Note that this resource could be eligible under criteria other than "d.")

SRI-VOL-22: Nina Delu distributed the draft site record for SRI-VOL-22 that she had just received from the cultural resources consultant for the Villages of Lakeview project. The overall site measures approximately 336,000 square meters, and the portion of the site within the direct APE for MCP measures approximately 7 ac (2.8 ha) or 29,000 square meters. The land formation upon which the site lies has been deep-ripped and plowed for numerous years, but the site appears to be relatively intact below the plow zone. The site is a very deep (4 meters below ground surface) multicomponent site that includes ceramics and intact features dating to 8600 years before present, along with pictographs and rock art. The northerly site boundary abuts the proposed MCP alignment, but this site boundary is not well defined. For the MCP project, Phase 2 testing is proposed to better define the northerly site boundary. The northern portion of the site does not appear to have attributes associated with the more significant southerly portions of the site at the base of the Lakeview Mountains. SRI previously excavated 40 trenches at this site, and AE excavated 72 trenches at locus RIV-6069. Trench excavations on the site reveal that a more dense deposit of artifacts is present on the southern and central portions of the site; northern trenches within and near the MCP direct APE, albeit limited, indicate a drastic drop-off in site density. Previous work at the site by SRI was for CEQA only. Susan Goldberg noted that the rock art is about 200-300 years old. She also stated that cultural material from the site was spread out in the immediate area during the construction of the Inland Feeder water pipeline.

In response to Mike McGuirt's question, Rob McCann noted that in this location, the MCP would be constructed on about three feet of fill. Mike McGuirt asked whether there was a view of the highway from the significant portions of the site. Nina Delu and Susan Goldberg were not sure. Mike McGuirt and Edrie Vinson indicated that potential visual impacts should be considered in the evaluation of the site.

In response to Mike McGuirt's question, Edrie Vinson confirmed that FHWA would recognize the cumulative effect to cultural resources resulting from the MCP project and other land development and infrastructure projects in the area.

In response to Mike McGuirt's question regarding Native American consultation, Nina Delu and Karen Swope indicated that over 20 tribes had been contacted and six (Gabrielino/Tongva, Pechanga, Soboba, Ramona, Cahuilla, and Morongo) had requested to be involved in the project. Nina Delu stated that while the tribes had not provided feedback on any traditional cultural values associated with SRI-VOL-22, they had identified significant values associated with P-33-13791 and requested full avoidance of that site. Karen Swope stated that the tribes would likely place a high value on the rock art at SRI-VOL-22. Susan Goldberg added that this site is known as the "Lizard Cave" site and contains spectacular rock art. Curt Duke further added that the Pechanga had knowledge of this site.

Mike McGuirt asked if the Villages of Lakeview project proposed housing in this area; neither Cathy Bechtel nor Rob McCann knew since they had not seen a recent site plan.

Mike McGuirt asked if the Villages of Lakeview project proposed housing in this area; neither Cathy Bechtel nor Rob McCann knew since they had not seen a recent site plan. Mike McGuirt stated that the evaluation for MCP should evaluate the indirect effects on the site and consider the integrity of the overall viewshed of the site (i.e., if the viewshed is degraded then it degrades the power of the site). He strongly encouraged RCTC to work with the County of Riverside and the developer to fully avoid this site as well as to consider cumulative impacts of the projects, and visual mitigation such as berms or planting to screen the view of the highway and land development from the site. FHWA and RCTC should demonstrate that they have considered the tribes' feelings in evaluating the site and the direct, indirect, and cumulative impacts of the MCP.

Mike McGuirt further stated that the evaluation for National Register eligibility must consider not only the archaeological data from the site, but also the rock art and the site's value as a Traditional Cultural Property.

Mike McGuirt asked what sort of alternatives (e.g., screening, compensatory mitigation, and avoidance alternatives) were proposed to the tribes to minimize impacts to these resources. The SHPO will look to FHWA to propose feasible and meaningful solutions to avoid and minimize impacts to these resources.

Mike stated that the site may be a district, and this potential should be considered, and compliance efforts should be scaled appropriately.

Mike noted that until the Phase 2 testing proves otherwise, the site will remain within the APE.

Mike stated that the site is presumably eligible under multiple criteria that carry different integrity issues. Compliance must deal with the effects of the undertaking of each of these values.

Other Sites that May Warrant Phase 2 Testing: Nina Delu briefly reviewed the other sites included in the information package distributed prior to the meeting. Many of these are quarry sites. Edrie Vinson noted that these nine sites would appear to be potentially eligible for the National Register under only Criterion D, and therefore would not be considered Section 4(f) resources.

- In response to Mike McGuirt's question on whether any portions of the project would be constructed on a depressed alignment, Rob McCann noted there was a 1-1.5 mile section along Placentia Avenue in the City of Perris that would be below existing ground level. Mike McGuirt stated that he would like to see the project studies identify the likelihood of encountering unknown buried archaeological resources during construction and propose a monitoring plan during construction. He recommended that a constraints identification be done to identify sensitive soils where there may be a potential for buried cultural resources, through an analysis of geomorphology, paleosoils, etc., with a treatment plan for dealing with unanticipated discoveries (such as construction monitoring). Edrie Vinson suggested that, depending upon the result of the constraints

Identification, a buried sites sampling plan could be proposed based upon sensitivity of different areas that would include additional testing (excavation of trenches, STPs and/or units) on properties after they have been acquired for the project but prior to construction. Susan noted that for the Eastside Reservoir project studies, SHPO allowed construction without monitoring because AE had demonstrated that their buried sites predictive modeling was adequate.

3. Meeting Wrap Up/Next Steps

Edrie Vinson thanked Mike McGuirt for the opportunity to meet and present information about the proposed preferred alternative for the MCP project. There appears to be consensus on proceeding with Alternative 9 as the preferred MCP alternative. Furthermore, based on the discussion, she stated that FHWA would proceed with the Section 4(f) Evaluation identifying two cultural resources (CBJ Dalry and SRI-VOL-22) as potential Section 4(f) resources. Mike McGuirt expressed his appreciation for FHWA and RCTC's early involvement of the OHP in the project. Edrie Vinson requested that meeting minutes be prepared that would be signed off on by OHP, FHWA, Caltrans, and RCTC.

There was also general consensus on phasing the Section 106 process in order to meet RCTC's schedule for circulating the Draft EIR/EIS for public review in January 2008. Mike McGuirt requested that FHWA submit a letter to the SHPO for their concurrence, identifying the proposed phasing of the Section 106 process for the project, including work performed to date, work in progress, and future activities. Edrie Vinson stated that the Draft EIR/EIS would discuss Determinations of Eligibility and Findings of Effect for only the preferred alternative (Alternative 9). In order to meet the schedule for circulation of the Draft EIR/EIS, FHWA will request early consultation with the SHPO to seek concurrence on preliminary draft Determinations of Eligibility and Findings of Effect, with the submittal of complete documentation to follow the public review of the Draft EIR/EIS.

In response to Mike McGuirt's request, Nina Delu agreed to send him a PDF copy of the maps presented at the meeting.

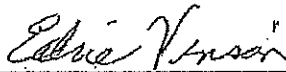
Meeting summary prepared by Rob McCann (LSA).

CONCUR:



Mike McGuirt, Office of Historic Preservation

7/13/07
Date



Edrie Vinson, Federal Highway Administration

7-13-07
Date



Karen Swope, California Department of Transportation

8/8/07
Date

Cathy Bechtel

Cathy Bechtel, Riverside County Transportation Commission

7/19/07

Date



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA 95814

August 13, 2007

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Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

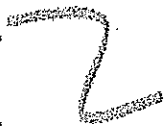
Dear Mr. Donaldson:

SUBJECT: Phased Evaluation and Finding of Effect Under Section 106 for the Mid County Parkway Project, Located in Riverside County, California

The Federal Highway Administration (FHWA), the Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct the Mid County Parkway (MCP), located in Riverside County, California. This project is listed on the national priority list for environmental stewardship and streamlining pursuant to Executive Order 13274. FHWA has been working closely with its agency partners to seek ways to streamline the environmental review process in innovative ways while fully complying with all environmental laws and regulations. In March 2007, FHWA initiated consultation with the State Historic Preservation Officer (SHPO). On May 23, 2007, FHWA, SHPO, Caltrans, and RCTC met to discuss phasing the evaluation and finding of effect for this project. This letter is being prepared to establish what cultural resource efforts have been made to date, what is in process, and what is planned for the future.

FHWA is the lead federal agency for the project and is responsible for compliance with Section 106 of National Historic Preservation Act (NHPA, 36 CFR Part 800). The Section 106 Programmatic Agreement (PA) between the FHWA, Advisory Council on Historic Preservation (ACHP), SHPO, and Caltrans applies to this project. To date, efforts to identify historic properties that may be impacted by the undertaking include the completion of an archaeological survey, extended phase one archaeological survey (XPI), and historic resources survey of all project alternatives (Alternatives 4, 5, 6, 7, and 9). During this process, FHWA has consulted and sought input from Indian Tribes and historical groups. These efforts have been documented in the following reports:

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- Archaeological Survey Report (ASR)
- Extended Phase I Survey Report (in preparation)
- Historic Resource Evaluation Report (HRER)

36 CFR 800.4(b)(2) and 800.5(a)(3) and Section XII of the PA allow for phasing the identification, evaluation, and finding of effect processes. FHWA desires to phase the evaluation and finding of effect (FOE) stage of the Section 106 process. In cooperation with RCTC and Caltrans, FHWA has identified a likely preferred alternative (Alternative 9) that will be identified as such to the public in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). FHWA proposes to limit archaeological evaluation and FOE to the preferred alternative. This information along with a Draft APE map, Draft ASR, Draft XPI Proposal, Draft HRER, and site records of specific sites within all project alternatives that were deemed potentially eligible sites to the National Register of Historic Places (NRHP) was shared with Mike McGuirt of your staff in May 2007. In the May 23, 2007 meeting, FHWA, SHPO, Caltrans, and RCTC tentatively agreed that Alternative 9 was the least impacting to potential historic properties and that archaeological evaluation and FOE would be limited to Alternative 9 as the preferred alternative.

While the fieldwork and report for the XPI are being completed, LSA Associates, Inc. has prepared an Archaeological Evaluation Proposal (AEP) for the nine archaeological sites that are proposed to undergo archaeological excavation. The actual number of sites that will be included in the Final AEP will likely vary due to: minor changes to the APE; proposed Environmentally Sensitive Areas (ESAs); and sites from the XPI that warrant excavation. The purpose of this approach is to allow preparation for the archaeological evaluation to proceed so that the project Draft EIR/EIS would be able to present a valid FOE for archaeological resources. It was further agreed that due to the project schedule, a Draft FOE memorandum would be submitted shortly after archaeological excavation is concluded. This memorandum would be the basis for the findings presented in the Draft EIS/EIR, which is scheduled for circulation to the public in January 2008. In the meantime, the formal archaeological analysis and the Archaeological Evaluation Report (AER) would be drafted. All Section 106 responsibilities for Alternative 9 will be completed prior to issuance of the Final EIR/EIS and approval of the federal Record of Decision in December 2008.

FHWA requests your formal concurrence with this approach as indicated by Mike McGuirt in the meeting held on May 23, 2007. FHWA looks forward to our continuing cooperation on this very important streamlining project. Please contact Edrie Vinson at (916) 204-7408 if you have any questions or comments.

Sincerely,

/s/ Edrie Vinson

For
Gene K. Fong
Division Administrator