ENCLOSURE 1

Tables A-1 through A-3
# MID COUNTY PARKWAY
## JURISDICTIONAL DELINEATION

### TABLE A-1: USACE DRAINAGE SYSTEM AND REACH ACREAGE
\[
\begin{array}{|c|c|c|c|c|c|c|}
\hline
\text{REACH} & \text{DRAINAGE SYSTEM} & \text{WETLAND ACRES} & \text{NON-WETLAND ACRES} & \text{TOTAL ACRES}^1 & \text{LATITUDE} & \text{LONGITUDE} \\
\hline
\text{Reach 1} & \text{Miscellaneous}^2 & 0.03 & 0.69 & 0.72 & 33.824330 & \text{-117.523855} \\
\text{Reach 1} & 1 & 0.36 & 0.54 & 0.89 & 33.819022 & \text{-117.514513} \\
\text{Reach 1} & 2 & 4.40 & 4.40 & 2.4 & 33.824682 & \text{-117.510874} \\
\text{Reach 1} & 3 & 0.24 & 0.28 & 0.28 & 33.823506 & \text{-117.506815} \\
\text{Reach 1} & 4 & 2.70 & 0.12 & 2.81 & 33.824989 & \text{-117.506316} \\
\text{Reach 1 Total} & \text{3.32} & \text{6.03} & \text{9.34} & & & \\
\hline
\text{Reach 2} & \text{Miscellaneous} & <0.01 & 0.57 & 0.57 & & \\
\text{Reach 2} & 6 & 1.65 & 1.63 & 3.28 & 33.824605 & \text{-117.489171} \\
\text{Reach 2} & 7 & 0.07 & 0.13 & 0.20 & 33.822522 & \text{-117.490020} \\
\text{Reach 2} & 8 & 0.19 & 0.74 & 0.93 & 33.822974 & \text{-117.472164} \\
\text{Reach 2} & 9 & 0.03 & 0.13 & 0.16 & 33.826772 & \text{-117.481562} \\
\text{Reach 2} & 10 & 0.04 & 0.29 & 0.33 & 33.818934 & \text{-117.484211} \\
\text{Reach 2} & 11 & 0.49 & 0.07 & 0.56 & 33.817497 & \text{-117.480917} \\
\text{Reach 2} & 12 & 0.32 & 0.25 & 0.57 & 33.818354 & \text{-117.473935} \\
\text{Reach 2} & 13 & 0.55 & 0.19 & 0.74 & 33.814429 & \text{-117.473529} \\
\text{Reach 2} & 14 & 1.43 & 0.90 & 2.34 & 33.825336 & \text{-117.467236} \\
\text{Reach 2} & 15 & 0.03 & 0.03 & 0.38 & 33.809118 & \text{-117.467194} \\
\text{Reach 2} & 16 & 0.90 & 0.91 & 1.81 & 33.819111 & \text{-117.457846} \\
\text{Reach 2} & 17 & 0.12 & 0.26 & 0.38 & 33.809471 & \text{-117.463078} \\
\text{Reach 2} & 18 & 0.24 & 0.20 & 0.44 & 33.813216 & \text{-117.459284} \\
\text{Reach 2} & 19 & 0.23 & 0.23 & 0.46 & 33.809435 & \text{-117.454366} \\
\text{Reach 2} & 20 & 0.17 & 0.24 & 0.41 & 33.805442 & \text{-117.449179} \\
\text{Reach 2 Total} & \text{6.21} & \text{6.75} & \text{12.96} & & & \\
\hline
\text{Reach 3} & \text{Miscellaneous} & 0.07 & 2.48 & 2.55 & & \\
\text{Reach 3} & 21 & 0.33 & 1.41 & 1.74 & 33.802429 & \text{-117.418030} \\
\text{Reach 3} & 22 & 0.25 & 0.25 & 0.25 & 33.814930 & \text{-117.417523} \\
\text{Reach 3} & 23 & 0.07 & 0.10 & 0.17 & 33.803667 & \text{-117.367680} \\
\text{Reach 3} & 24 & 0.12 & 0.49 & 0.60 & 33.814185 & \text{-117.365971} \\
\text{Reach 3} & 25 & 0.72 & 0.96 & 1.68 & 33.814493 & \text{-117.363065} \\
\text{Reach 3} & 26 & 1.72 & 0.21 & 1.93 & 33.815498 & \text{-117.357240} \\
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<th>LONGITUDE</th>
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1. All numbers have been rounded to the nearest hundredth and thus may appear to sum incorrectly.
2. A further breakdown of miscellaneous features is provided in Table A-2.
3. The entire 0.21 acre of Drainage System 62 is adjacent wetland waters, as summarized in Table A-3.
4. In Drainage System 65, 1.23 of the 2.01 acres are adjacent wetland waters, as summarized in Table A-3.
5. In Drainage System 66, 9.09 of the 14.38 acres are adjacent wetland waters, as summarized in Table A-3.
# MID COUNTY PARKWAY JURISDICTIONAL DELINEATION

## TABLE A-2: MISCELLANEOUS DRAINAGE ACREAGE TABLE VEGETATED AND NON-VEGETATED WATERS OF THE U.S.

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A-8
ENCLOSURE 2

Table C-1
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¹ All numbers have been rounded to the nearest hundredth and thus may appear to sum incorrectly.

**MID COUNTY PARKWAY**

**JURISDICTIONAL DELINEATION**

**TABLE A-3: ADJACENT WETLAND WATERS ACREAGE TABLE**

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¹ Acreage of adjacent wetland waters is also included in Table A-1.
# MID COUNTY PARKWAY

## JURISDICTIONAL DELINEATION REPORT

### ISOLATED WETLANDS ACREAGE TABLE

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ENCLOSURE 3

Request for Appeal Form and Administrative Appeal Process
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<th>Date: April 1, 2008</th>
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**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/ce/cwo/reg or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFERRED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFERRED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:
If you have questions regarding this decision and/or the appeal process you may contact:

**DISTRICT ENGINEER**
Los Angeles District, Corps of Engineers
ATTN: Chief, Regulatory Division
P.O. Box 532711
Los Angeles, CA 90053-2325

TEL (213) 452-3425  FAX (213) 452-4196

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh, Appeal Review Officer
U.S. Army Corps of Engineers, CESPD-PDS-O
1455 Market Street, Room 1760
San Francisco, CA 94103-1399

TEL (415) 503-6574  FAX (415) 503-6646

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

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**Signature of appellant or agent:**
Administrative Appeal Process for Approved Jurisdictional Determinations

1. District issues approved Jurisdictional Determination (JD) to applicant/landowner with NAP.

   - Approved JD valid for 5 years.
     - Yes
     - District makes new approved JD.
       - Yes
       - Applicant decides to appeal approved JD. Applicant submits RFA to division engineer within 60 days of date of NAP.
         - Corps reviews RFA and notifies appellant within 30 days of receipt.
           - Is RFA acceptable?
             - No
             - To continue with appeal process, appellant must revise RFA. See Appendix D.
             - Yes
             - Optional JD Appeals Meeting and/or site investigation.
               - RO reviews record and the division engineer (or designee) renders a decision on the merits of the appeal within 90 days of receipt of an acceptable RFA.
                 - Does the appeal have merit?
                   - Yes
                   - District’s decision is upheld; appeal process completed.
                   - No
                   - District’s decision is not upheld.
                     - Yes
                     - Appeal process continues.
                       - No
                       - Appeal process completed.

Max. 60 days

Max. 60 days

Max. 30 days

Max. 90 days

Appendix C
April 21, 2008

John Kalish
Field Manager
U.S. Department of Interior/Bureau of Land Management
690 West Garnet Avenue
North Palm Springs, CA 92258-1260

Subject: Mid County Parkway Project (BLM Ref No. 1610/CA660.62)

Dear Mr. Kalish:

Your letter of October 12, 2007 (copy attached), received in response to the Supplemental Notice of Preparation for the Mid County Parkway project, expressed concern with regard to the potential for the proposed Mid County Parkway project to encroach upon 14 parcels of land managed by the Bureau of Land Management (BLM). These parcels are currently managed for the protection of sensitive species under the Stephens’ Kangaroo Rat Habitat Conservation Plan (HCP) and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Oversight for these HCPs is carried out by the Riverside County Habitat Conservation Agency (RCHCA) and the Western Riverside County Regional Conservation Authority (RCA). Your letter stated that “the proposed Mid County Parkway project and any alternatives being considered would need to stay outside of the BLM administered public lands.”

On April 2, 2008, RCTC staff and our project consultants had the opportunity to meet with Michael Bennett and Greg Hill of the BLM to discuss and clarify under what conditions any encroachment onto these BLM managed parcels could occur. Also in attendance at the meeting was Gail Barton from the RCHCA. At our meeting, we resolved and agreed to the following:

1. The BLM South Coast Resource Management Plan adopted in 1994 would not prohibit consideration of the Mid County Parkway project encroaching within BLM lands.
2. Any potential encroachment of the Mid County Parkway project into BLM lands should be clearly acknowledged and disclosed in the Mid County Parkway EIR/EIS.
John Kalish  
April 21, 2008  
Page Two

3. Mitigation for encroachment of the Mid County Parkway project into the BLM managed parcels within the Stephens’ Kangaroo Rat HCP reserve lands shall be provided by RTC in accordance with the provisions of the Stephens’ Kangaroo Rat HCP (1:1 replacement of any occupied Stephens’ Kangaroo Rat habitat) and subject to approval of the RCHCA, US Fish and Wildlife Service (USFWS), and California Department of Fish and Game (CDFG). BLM staff acknowledged that they would defer to RCHCA on the acceptability of the mitigation lands and the HCP consistency determination.

4. RTC will submit an application to BLM for this right-of-way encroachment (Standard Form 299 – Application for Transportation and Utility Systems and Facilities on Federal Lands) along with the necessary filing fees in accordance with BLM’s cost recovery regulations.

Based on the above resolution and agreements, we request a written response from the BLM confirming the acceptability of encroachment onto these BLM managed parcels under the conditions specified above.

By copy of this letter to the RCHCA, we are also requesting a similar written response from the RCHCA that the approval process described above in Item 3 is the process that RTC should follow so that the RCHCA can evaluate the project’s consistency with the Stephens’ Kangaroo Rat HCP.

RTC greatly appreciates the opportunity to work cooperatively with the BLM, RCHCA, and RCA on the Mid County Parkway project. If you have any questions regarding our request, please contact me at (951) 787-7141 or via e-mail at cbechtel@rctc.org.

Sincerely,

Cathy Bechtel  
Project Development Director

cc: Gail Barton, RCHCA  
    Merideth Cann, Jacobs Civil, Inc.  
    Tay Dam, FHWA  
    Nassim Elias, Caltrans District 8  
    Charles Landry, RCA  
    Rob McCarn, LSA Associates, Inc.  
    Shawn Oliver, FHWA  
    Marie Petry, Caltrans
Riverside County Habitat Conservation Agency

A Joint Powers Authority

May 5, 2008

Ms. Cathy Bechtel
Project Development Director
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92501

Subject: Mid County Parkway Project

Dear Ms. Bechtel:

This letter is in response to your letter of April 21, 2008, that summarizes a meeting held on April 2, 2008, to address the Bureau of Land Management’s (BLM) concerns regarding the proposed Mid County Parkway project.

Because of the potential impact to BLM lands that are located within the Stephens' kangaroo rat (SKR) Lake Mathews Core Reserve, the Riverside County Habitat Conservation Agency (RCHCA) was asked to participate in the meeting.

As requested in your letter, we are providing written concurrence to the approval process discussed at the meeting, described in Item 3 of your letter and included herein as:

Mitigation for encroachment of the Mid County Parkway project into the BLM managed parcels within the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) reserve lands shall be provided by RTCF in accordance with the provisions of the SKR HCP (1:1 replacement of any occupied SKR habitat) and subject to approval of the RCHCA, U.S. Fish and Wildlife Service, and California Department of Fish and Game. BLM will defer to RCHCA on the acceptability of the mitigation lands.

Please feel free to contact us if we can be of any further assistance.

Sincerely,

Carolyn Syms Luna
Executive Director

4080 Lemon Street, 12th Floor • Riverside, California 92501 • (951) 955-6097
P.O. Box 1605 • Riverside, California 92502-1605 • Fax (951) 955-0090

B.01.09.02
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May 6, 2008

Ms. Cathy Bechtel
Division Head, Planning
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502-2208

Subject: El Sobrante Habitat Conservation Plan

Dear Ms. Bechtel:

At our last meeting, you requested that USA Waste of California, Inc. (USA Waste) respond to RCTC regarding our willingness to address changes to the El Sobrante Habitat Conservation Plan (HCP) that may be needed to facilitate construction of the proposed Mid-County Parkway. The following constitutes our response.

I. Background

The El Sobrante Landfill is a public/private partnership between USA Waste and Riverside County. El Sobrante is a large regional disposal facility with more than 30 years of remaining life. Its location in the Temescal Valley was selected by Riverside County in the early 1980's after an exhaustive siting study was conducted, evaluating more than 15 possible locations. El Sobrante is a critical component of Riverside County's solid waste management system, handling the majority of the solid waste generated by the communities in western Riverside County. It is also an important economic engine for the County, generating more than $4 million dollars per year in general fund revenue collected from solid waste imports. It also provides nearly 50 living wage jobs, totaling more than $4 million per year in wages, benefits and payroll taxes. It also purchases $3.5 million in operating supplies, goods and services from local vendors and on average will continue to spend more than $15 million dollars per year for capital purchases such as heavy equipment and landfill construction services.

For USA Waste and its parent company, Waste Management, El Sobrante is one of its largest and most valuable assets in the country. Considerable Company resources are expended annually at El Sobrante to construct the landfill, expand and maintain the infrastructure, and to operate the facility above and beyond California's strict standards. It is a facility that we are exceptionally proud of and will expend considerable effort to insure that it continues to be an asset to both USA Waste and Riverside County through the remainder of its active life, and beyond.

USA Waste has enjoyed a long-term relationship with Riverside County through our public/private partnership at El Sobrante Landfill and through our various recycling and solid waste collection franchises. It is important to USA Waste that this relationship continues with Riverside County for many years to come.

B.1.9.2.1

From everyday collection to environmental protection, Think Green? Think Waste Management.
II. Expression of Concern

Notwithstanding the importance to USA Waste of maintaining its relationship with the County, USA Waste is very reluctant to agree to take any action that would seek to reopen our HCP or to agree to any action that would alter or otherwise affect the areas set aside in the HCP for conservation purposes. The HCP took many years to develop and is a key component of our continued operations. The Section 10(a)(1) and Section 2081 permits issued to USA Waste by the United States Fish and Wildlife Service and California Department of Fish and Game authorize USA Waste to operate the landfill for eighty (80) years and obligate USA Waste to comply with conditions that help ensure the conservation of the species covered by the permits and the HCP. The HCP also provides assurances to USA Waste that it will not have to commit additional resources if there are unanticipated circumstances.

We want to emphasize that USA Waste does not have the unilateral right to change those permits, to alter the activities covered by the HCP or to delete lands protected under the HCP. We note that the areas you seek to use for the Mid-County Parkway are subject to easements that protect those lands from uses that would affect the conservation value of those lands. In short, any changes that would need to be made to allow use of these lands for the Mid-County Parkway would require the approval of both the Fish and Wildlife Service and Fish and Game.

Even if these approvals can be obtained, the proposed alignment of the Mid-County Parkway creates both short and long term risk for USA Waste that will increase our costs significantly above where they would be absent the Mid-County Parkway. These increased costs will come from many sources, including expenses related to:

- Permit modifications;
- Increased habitat management costs from weed control, litter control, and fire management due to edge effects;
- Potential changes to authorized operations;
- Litigation from adversaries of the Mid-County Parkway; and
- Increased community outreach and public education.

III. Offer of Cooperation

Despite these concerns, because of our long relationship with the County, we are willing to discuss cooperating with the County on this project if the County and the concerned resource agencies determine that this route best serves the overall public interest, if the operation of the landfill is fully protected from any risk of curtailment of our operations, if USA Waste is fully compensated for all costs it may incur as a result of the project and if the County is receptive to the other financial issues we have identified in this letter. As part of this Offer of Cooperation, we will require a formal agreement with the County to address our concerns and to guarantee that USA Waste will be fully compensated. We describe below some potential areas for further discussion.

Even though we have made this Offer of Cooperation, please keep in mind that USA Waste prefers for the RCTC to select a Mid-County Parkway alignment that coincides with the existing Cajalco Road alignment, thereby, reducing the fragmentation of the regional preserve and eliminating the need to address impacts to the El Sobrante HCP.
IV. Approach to Permit Modifications

The construction of the Mid-County Parkway along the proposed alignment will directly impact approximately 20 acres of the El Sobrante HCP preserve where the alignment crosses the northeastern corner of our wildlife preserve. We are fundamentally opposed to any course of action that seeks to amend the El Sobrante HCP to include the Mid-County Parkway as an authorized activity under the HCP. Our offer of cooperation is conditioned on the RCTC agreeing to develop its own HCP for the affected lands and for the County to assume responsibility to carry out all of the permit actions, minimization measures and mitigation for the new HCP. As part of the development of the Mid-County Parkway HCP, the County would be obligated to mitigate for any impacts to conserved lands under the El Sobrante HCP. The only modification to the El Sobrante HCP that we envision is for USA Waste to be fully released from any obligations it currently has for lands affected by and included in the Mid-County Parkway HCP.

V. Increased Habitat Management Costs Due to Direct Impacts and Indirect Impacts

Even if the County proceeds with a separate HCP for its impacts, the development of the Mid-County Parkway is likely to cause hard-to-measure indirect impacts to our preserve through “edge effects”. These impacts are discussed in our response to the Notice of Preparation prepared and submitted to you on September 12, 2007 by Brenna Moorhead of Sheppard Mullin Richter & Hampton LLP. A copy of Ms. Moorhead’s letter is attached for your convenience.

By virtue of the close proximity of the Parkway to the El Sobrante Preserve, increased litter, additional weed control of non-native species, and the threat of fire from the Parkway traffic will increase our annual operating costs. Since the inception of the El Sobrante HCP in 2001, USA Waste has spent more than $1,000,000 managing the Preserve. With the encroachment of the Mid-County Parkway across the El Sobrante Preserve, we anticipate that our costs to manage the Preserve will increase by $120,000 annually for weed and litter control even if the area subject to our HCP will be reduced.

The threat of wildfires and the resultant damage to the El Sobrante Preserve and the Landfill are a significant concern for USA Waste. In 2007, a wildfire generated by an off-road vehicle trespassing on the El Sobrante Preserve scorched nearly 1/3 of the El Sobrante Preserve, including a pristine riparian area and many large cactus patches. The estimate to completely restore these areas is in excess of $500,000. By locating the Mid-County Parkway so close to the El Sobrante Preserve, the threat of damage from wildfires increases significantly. One only needs to look at the experiences in Orange County over the past few years where wildfires originating from or near the 241 toll way have become nearly an annual occurrence. USA Waste believes that during the remaining 71 years of the El Sobrante HCP, wildfires that damage the El Sobrante Preserve will increase in frequency after the Parkway becomes operational.

To mitigate this concern, USA Waste will require a Fire Restoration fund or endowment to provide funds as may be needed to control exotic species and restore sensitive habitats in the El Sobrante Preserve areas following a fire originating from the Parkway. As an example of a funding scenario, an endowment established in 2008 in the amount of $1,900,000 would ensure that by 2018 (assuming a 5 percent rate of return and 3 percent inflation) a fund of $3,000,000 would be available for catastrophic fires. Using this funding mechanism, in the absence of
catastrophic fires, up to $70,000 would be available for fire related restoration of lands impacted by smaller fires, while retaining the $3,000,000 fire fund. This fund would be created and maintained by RCTC to compensate USA Waste in the event that a fire originating from the Parkway damages the El Sobrante Preserve.

VI. Litigation from Mid-County Parkway Adversaries

We believe that it is likely that opponents to the Mid-County Parkway will seek many avenues to oppose the project. We are concerned that this could lead to litigation against the El Sobrante HCP and USA Waste, directly or indirectly. As part of the agreement for the Offer of Cooperation, the RCTC and Riverside County must agree to defend, indemnify and pay for all costs associated with any litigation and to fully compensate USA Waste for any increased costs, reduced capacity or lost income that may result from these lawsuits or from any other avenue.

VII. Increased Community Outreach and Public Education

Landfills, much like waste water treatment plants, power plants, mines, airports, and freeways, are critical components of a modern society’s infrastructure, but they are generally not welcome by the citizens that live near them or have to look at them on a daily basis. The location of El Sobrante is nearly ideal from a visual and aesthetic point of view. The facility is screened from the majority of residents and commuters that utilize the I-15 corridor and is a significant distance from local commuters that currently utilize Cajalco Road to transit between I-15 and the I-215. The benefit to USA Waste and Riverside County from this visual and spatial boundary is that to the majority of the public, El Sobrante is nearly invisible. This level of invisibility is extremely desirable because it tends to make a facility like El Sobrante less controversial. By constructing the Mid-County Parkway so close to El Sobrante, the landfill will be exposed to hundreds of thousands of commuters each year, causing us to lose this strategic advantage. To counter the negative public reaction that will likely accompany the public realization of our facility’s location, USA Waste will be forced to expend considerably more time and money for community outreach and public education.

Currently, El Sobrante devotes one full-time employee to community outreach and public education activities in the Temescal Valley and adjacent areas. The cost of these efforts, including salaries, Adopt-A-Highway programs, school programs, monthly newsletters, and community tours exceed $190,000 per year. With the alignment of the Mid-County Parkway so close to El Sobrante, it is reasonable to assume that our efforts will double as we expand our message to reach the commuters that will be viewing our facility for the first time.

VIII. Other Costs and Compensation

We have not had the opportunity to identify fully all costs and compensation measures that we would require as part of the Offer of Cooperation. However, if the RCTC and Riverside County are committed to the current proposed alignment, we anticipate the Offer of Cooperation will need to include the following items.

1. RCTC will reimburse USA Waste for its expenses related to the permitting of the Mid-County Parkway, including but not limited to costs associated with developing the Offer of Cooperation. These expenses include legal services, consulting engineers, consulting biologists, permitting fees, USA Waste staff fees, including overhead, land and any other costs.
2. RCTC will make all payments within 30 days of receipt of an invoice or will pay a reasonable interest for late payment.

3. RCTC will indemnify, defend and hold USA Waste, its officers, directors, shareholders, agents, employees, and independent contractors free and harmless from any liability or costs related to the permitting, development, construction and operation of the Mid-County Parkway and to fully compensate USA Waste for any increased costs, reduced capacity or lost income that may result from lawsuits or from any other avenue.

4. RCTC will be solely responsible for the costs associated issuance of any needed permits for the Mid-County Parkway including its own HCP and any modifications to the El Sobrante HCP to reflect areas that are no longer the responsibility of USA Waste and with locating and purchasing any habitat to mitigate for the loss of habitat caused by the Mid-County Parkway. The acreage needed for mitigation should be of sufficient size and quality to meet the demands of the regulatory agencies.

5. RCTC will reimburse USA Waste for any mitigation and increased maintenance costs associated with damage (i.e., litter, uncontrolled access, fires) to the El Sobrante Preserve caused by the construction and related activities of the Mid-County Parkway.

6. RCTC will establish a Fire Restoration Trust Fund or endowment to provide funds in the amount of at least $3,000,000 or such as required reimbursement for the benefit of USA Waste and the California Department of Fish and Game to restore any habitat damaged on the El Sobrante Preserve by wildfires originating from the Mid-County Parkway or its vicinity. This fund will be adjusted annually by CPI and be reestablished by RCTC in the event that funds are withdrawn to mitigate fire damage.

7. RCTC will reimburse USA Waste for all costs of public outreach and public education related to the Mid-County Parkway.

8. Riverside County will amend the Second El Sobrante Landfill Agreement to compensate USA Waste for ongoing operational costs and risk. The amendments should address the adjusting the compensation mechanisms for in-county and out-of-county wastes to include the following:

   - USA Waste will be given operational control of the scale house and load check program, eliminating the monthly fee paid by USA Waste to the Riverside County Waste Management Department for the cost of operation of the scale house and load check programs associated with the delivery of out-of-county waste.

   - USA Waste will receive all "hard to handle fees" and surcharges for in-county and out-of-county wastes charged at the El Sobrante Landfill.

   - The compensation paid to USA Waste to handle in-county waste will be increased by $1.00 per ton from the rate then in effect.
• The rate increase mechanism in the Second Agreement for the compensation USA Waste receives for the disposal of In-County waste will be changed to full CPI.

• Riverside County will work cooperatively with USA Waste to develop recycling programs and processing fees for El Sobrante. USA Waste will receive all agreed upon recycling processing fees charged at El Sobrante to help fund the costs of recycling programs at El Sobrante.

• Riverside County will work cooperatively with USA Waste to define a second classification of out-of-county waste that does not impact the "most favored nation" clause (MFN) of the Second Agreement. This classification of waste will be for temporary projects such as the clean up and disposal of remediation wastes including contaminated soil, excavation of older landfills, or the removal of industrial wastes; provided that such waste streams meet all regulatory requirements for disposal at El Sobrante Landfill. If agreed upon, this classification of waste will benefit Riverside County and USA Waste by bringing in a significant source of revenue and general fund dollars from waste streams that have been diverted away from El Sobrante due to the potential impact to the MFN rate.

After you have had a chance to review this letter, we would like to schedule a meeting to discuss the contents and answer any questions you may have. Please contact me at (951) 277-5103 to schedule a meeting.

Sincerely,

Damon De Frates
Senior District Manager

Enclosures

cc: Supervisor Bob Buster, Riverside County Supervisors, 1st District
    Supervisor Jeff Stone, Chairman, Riverside County Transportation Commission
    Hans Kernkamp, General Manager, Riverside County Waste Management Department
September 12, 2007

VIA FACSIMILE AND EXPRESS MAIL

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, Third Floor
Post Office Box 12008
Riverside, California 92502-2208

Re: Supplemental Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project, SCH#2004111103

Dear Ms. Bechtel:

Sheppard Mullin Richter & Hampton represents USA Waste of California, Inc. ("USA Waste"), which owns the El Sobrante Landfill ("Landfill"). On behalf of USA Waste, we appreciate the opportunity to respond to the Supplemental Notice of Preparation of a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project (dated July 31, 2007), and for the extension you granted USA Waste to respond by September 14, 2007. The Notice of Preparation ("NOP") announces that the Riverside County Transportation Commission ("RCTC") and the Federal Highway Administration ("FHWA") are preparing a project-level Draft Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") in connection with the Mid County Parkway Project ("MCP"), an east-west regional transportation facility that includes the Ramona Expressway/Cajalco Road alignment south of Lake Mathews in western Riverside County. The report is intended to satisfy the requirements of the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

As you are aware, USA Waste's primary concern is the probable environmental effects that the MCP will have on the implementation of the El Sobrante Multiple Species Habitat Conservation Plan ("El Sobrante HCP"). The MCP is likely to adversely impact the value of sensitive habitat that USA Waste successfully preserved and restored pursuant to the HCP. This and other concerns are set forth in greater detail below. We anticipate continuing this dialogue with RCTC throughout the preparation of the EIR/EIS to ensure the thorough assessment of the MCP's effects, and the elimination or mitigation of significant impacts on the El Sobrante HCP.
I. EL SOBRANTE HCP

The El Sobrante HCP covers land located within the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP") Conservation Area, but its activities are governed by its own approved HCP. (See Attachment 1: Regional Location Map.) The lands covered are referred to as the HCP Plan Area, which is comprised of the Landfill and Undisturbed Open Space (referred to in this letter as the "Preserve"). The Landfill Area measures approximately 645 acres. Once it is closed, the Landfill will be restored to Riversidian sage scrub habitat according to the El Sobrante HCP. The Undisturbed Open Space, or Preserve, totals approximately 688 acres. (See Attachment 2: HCP Plan Area.)

The HCP covers two federally or state listed species, specifically the Stephens' kangaroo rat (*Dipodomys stephensi*) and the California gnatcatcher (*Polioptila californica californica*). In addition, the HCP covers twenty-nine other plant or animal species, including the Many-stemmed dudleya (*Dudleya multicaulis*). If any of these species become listed, incidental take of the species would be authorized under the incidental take permits. Covered activities include site preparation and landfill construction, waste management operations, closing and capping the landfill, maintenance and monitoring of the site, post-closure monitoring and maintenance, and HCP implementation.

The U.S. Fish & Wildlife Service ("Service") issued incidental take permits under Section 10 of the Endangered Species Act for the El Sobrante HCP on July 24, 2001. The California Department of Fish & Game ("Department") also issued Section 2081 permits in August 2001 pursuant to the California Fish & Game Code. The permits cover an 80-year time period, covering 50 years of operation of the Landfill followed by 30 years of continued monitoring of preserved and restored habitat. At the end of the 80-year term, approximately 1,305 acres will be permanently conserved as protected species habitat.

USA Waste, the Service, the Department, and Riverside County entered into the HCP Implementation Agreement (dated July 2001)("Agreement"). Under Section 7.1 of the Agreement, the County must "accept the Dedication Lands subject to a Conservation Easement which shall be reserved in favor of a Designated Grantee for mitigation under the HCP for Covered Activities." Additionally, the Agreement requires the County to cooperate with the management measures provided for in the Conservation Easement.

USA Waste placed conservation easements and recorded grant deeds in favor of the County over the Preserve lands. Paragraph 4 of the grant deed recorded as No. 079492 on February 13, 2002 states:

[The County of Riverside] hereby covenants and agrees, for itself and its successors and assigns that Grantee and such successors and assigns shall not take any action or cause any action inconsistent with the terms of the Permits or take any action or cause an action to be
taken that would in any way impede Grantor's ability to carry out the
terms of the Permits.

The breach of this covenant would grant USA Waste the right to exercise all its rights and remedies
and maintain any actions to enforce the curing of the breach, subject to Paragraph 4.5 of the
Implementing Agreement. Under Paragraph 4.5, the County is required indemnify USA Waste in
connection with "physical damages to any property, resulting from any willful act or omission of the
County, its agents and employees occurring on or about the Plan Area."

II. PROBABLE ENVIRONMENTAL EFFECTS FOR REVIEW

A. Biological Resources

The NOP states that consistency with applicable HCPs will be addressed in the
EIR/EIS. It appears that all of the proposed alternatives are inconsistent with the El Sobrante HCP in
that they impact the existing Preserve either directly or indirectly. In fact, the NOP acknowledges
that the inconsistencies of the MCP alternatives with the El Sobrante HCP may require an
amendment of the HCP, for which approval from the Service and the Department would be required.
The EIR/EIS must evaluate the effects of these inconsistencies on implementation of the El Sobrante
HCP, any effects of CEQA mitigation measures that might result from amending the HCP, and any
provision of off-setting mitigation that might be necessary to compensate for mitigation land lost as a
result of the MCP.

Section 17.2.2 of the Implementation Agreement requires amendments for all
changes not originally contemplated or not otherwise agreed to by the Service, the Department, and
USA Waste to be minor modifications. Section 17.2.1 requires that amendments to an HCP "follow
the same process followed for the original HCP certification." This lengthy process may include
public notice and potential additional environmental review, depending on the nature and scope of
the amendment. Not only could an amendment trigger a new review and approval process, but it
would potentially expose USA Waste to opposition and possible legal challenges from conservation
groups who might oppose amendment.

Appendix G of the CEQA Guidelines, Environmental Checklist Form, identifies
"[c]onflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Plan,
or other approved local, regional, or state conservation plan" as a threshold of significance.
Consistency with the El Sobrante HCP should be adopted or otherwise used as a significance
criterion in evaluating the impacts of the MCP.

Under all of the alternatives, the MCP would conflict with and result in significant
effects either directly or indirectly on the HCP. Alternative 9 poses the most significant impact by
directly impacting and fragmenting the El Sobrante Preserve. These effects must be thoroughly
examined in the EIR/EIS. USA Waste favors any alternative that poses no direct or indirect impacts
to the Preserve. Fragmentation of the Preserve should be avoided as an activity that is inconsistent
with the purposes of the conservation easements.
In particular, the fragmentation of the dudleya restoration site that could to result from Alternative 9, depending on the alignment, is of concern. The HCP required that these restoration sites be of "suitable size so that dudleya patch size and distribution will be similar to the impact site." Dudleya restoration has been successful with 30,000 to 60,000 plants in the Preserve. USA Waste favors an alternative that would avoid all direct and indirect effects to the Preserve, and ask that such an alternative be included in the EIR/EIS.

The effect of increased vehicle emissions to protected species and habitats is another potential impact of the MCP. Nitrogen deposition from vehicles and other sources tend to be destructive to serpentine habitat as well as to other sensitive aquatic and terrestrial species habitats. The Northern red diamond rattlesnake (Crotalus ruber ruber) is one of seven amphibian or reptile species covered by the El Sobrante HCP. These impacts should be evaluated in addition to the other air quality impacts resulting from the MCP which potentially affect Landfill operations as noted below.

In addition to the direct effects on the HCP Preserve, indirect effects resulting from the close proximity of the corridor will make managing the Preserve more challenging and expensive. Currently the HCP is not designed to address the invasive elements (i.e., weeds, trash), light or noise that the roadway would bring. In addition, we are concerned that the close proximity of high speed vehicles to the undisturbed Preserve will increase the likelihood of fires. Based on these potential impacts, the MCP might undermine the effectiveness of the El Sobrante HCP. Appropriate mitigation measures for these impacts should be identified and included in the EIR/EIS.

B. Geology and Soils

The MCP alternatives are in close proximity to the Landfill's limit of disturbance. The southernmost alternative in particular is located closest to the northernmost edge of the limits of grading for the Landfill. This proximity may cause a risk of water discharge or flooding from the corridor into the Landfill's limit of disturbance. The intrusion of water into the limits of grading could require additional drainage structures and modifications to the planned footprint of the Landfill, a significant effect.

The current landfill design did not anticipate additional water discharge from the proposed impervious MCP surface or potential impacts to groundwater quality resulting from impacted storm water. Ditches have been designed and constructed where needed along the perimeter of the Landfill to intercept storm water run-on prior to contact with the refuse column. These potential impacts on the Landfill's limit of disturbance and potential impacts to the groundwater monitoring network should be examined under all alternatives, where applicable, and appropriate mitigation measures identified.

C. Air Quality

USA Waste requests that the MCP's study of air quality includes the Landfill. The EIR/EIS should address the increase in vehicles and mitigate the resultant air quality impacts along
the corridor so as not to trigger the Landfill’s air quality mitigation measures and thereby adversely impact the Landfill’s operation and construction activities. (See Attachment 3: Mitigation Measure AQ-11.) The effects of increased levels of NO₂ could directly conflict with operation of the Landfill. The significance of all project-related pollutant emissions must be considered. Therefore, these potential effects to the Landfill operations should be considered, and appropriate mitigation measures identified in the EIR/EIS to ensure that the MCP does not impinge on the Landfill’s ability to meet its mitigation requirements.

D. Transportation/Traffic

The Project will negatively impact flow on Interstate 15 ("I-15"), which currently operates at Level of Service F. USA Waste has agreed with Riverside County to have all of the county waste management transfer trucks use only I-15 as the access corridor to the Landfill. Increased traffic due to the MCP will impact Landfill truck trips and Landfill operations. This impact should be analyzed in the EIR/EIS, and appropriate mitigation measures should be identified to ensure no direct conflict with Landfill operations.

E. Visual

The Landfill operates 24 hours a day, has night-time lighting, and will be within the view shed of corridor users. The MCP’s effect and compatibility with this operation should be assessed in the EIR/EIS and mitigation identified, where appropriate, to ensure the MCP will not impair the long-term operation of the Landfill.

III. ALTERNATIVES TO BE REVIEWED

Of the proposed alternatives, Alternative 9 would have the greatest impact on the El Sobrante Preserve. It would directly impact a minimum of approximately 20 acres of the Preserve set aside for preservation of native plant and animal species. Alternative 1A, the No Project/No Action alternative, would be preferable to any alternative that impacts the Preserve or the Landfill.

The NOP states that Alternatives 2 and 3 have been removed from consideration due to "engineering feasibility issues." Each of these alternatives provided for a parkway north of Lake Mathews. These alternatives would pose no direct impacts and potentially less indirect impact to the Landfill and the Preserve areas for the El Sobrante HCP. USA Waste requests that northern alternatives be studied in detail under this EIR/EIS. In addition, a more southerly alternative that avoids all impacts to the Landfill should be considered. No such alternatives are now proposed to be studied in this EIR/EIS. Including these alternatives would comport with CEQA and NEPA requirements to examine alternatives that would reduce or eliminate significant environmental effects of the MCP.

As discussed above, impacts to the area must be thoroughly analyzed in the EIR/EIS, with appropriate mitigation identified for those alternatives that would impact the Preserve. Mitigation would include, among other measures, potential amendment of the HCP to ensure MCP
impacts to the Preserve are off-set. This measure could result in additional review and potential legal challenges.

IV. CONCLUSION

We appreciate the opportunity to comment on the NOP. We request that you thoroughly review each of these concerns in the EIR/EIS and address significant impacts to the El Sobrante Landfill or Preserve with appropriate off-setting mitigation measures.

If the County chooses a preferred alternative that requires amendment of the HCP as a necessary mitigation measure, USA Waste would seek indemnification from the County for any potential lawsuits and for loss of profits resulting from amending the HCP pursuant to the El Sobrante grant deeds and the Implementation Agreement.

On behalf of USA Waste, we look forward to discussing these issues with you further. Please do not hesitate to contact us if you require information regarding the nature and scope of these potentially significant adverse impacts. Mr. Damon De Frates of USA Waste is the contact person. He can be reached at 951-277-5103 and all correspondence regarding the MCP should be sent to him at USA Waste of California, Inc., El Sobrante Landfill, 10910 Dawson Canyon Road, Corona, CA 92883.

Very truly yours,

Brenna E. Moorhead

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5BM1\490422039.3

Attachments

cc: Supervisor Bob Buster, Riverside County Board of Supervisors, 1st District
    Damon De Frates, USA Waste of California, Inc.
    Lily Quiora, Waste Management, Inc.
    Robert J. Uram, Sheppard Mullin Richter & Hampton LLP
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AIR QUALITY

MITIGATION MEASURE

AQ-11
Prior to construction and construction/operation activities, the following premonitoring measures shall be implemented to avoid or lessen boundary concentrations of NO₂: (Board of Supervisors)

- Normal landfill operations and cell construction/closure activities shall be preplanned to avoid potentially adverse alignments (both horizontally and vertically) during anticipated periods of meteorological conditions which could result in the greatest property boundary concentration.
- During periods when both disposal and construction activities are occurring, downwind property line monitoring of NO₂ shall be implemented for wind and stability conditions which could result in the highest boundary concentrations.

During construction and construction/operation activities, the following postmonitoring measures shall be implemented to avoid or lessen boundary concentrations of NO₂: (Board of Supervisors)

- If monitoring determines that the 1-hour NO₂ standard (i.e., 470 µg/m³) is being approached (i.e., within 95 percent of the standard or approximately 450 µg/m³), construction or cell closure activities shall be curtailed until the appropriate tiered mitigation measures can be implemented, or until adverse meteorological conditions no longer exist.
- The waste placement and/or clay preparation areas shall be moved to a preplanned alternative working location to separate emissions from clay placement construction emissions.
- Construction procedures shall be configured such that operations requiring heavy equipment do not occur simultaneously (e.g., clay placement and protective soil placement by scrapers will not be done during periods with adverse meteorological conditions).
- Construction scheduling will be slowed to reduce daily equipment usage.
- Hours of construction with designated pieces of equipment (e.g., scrapers) shall be constrained to occur outside of peak adverse meteorological conditions.

RESPONSIBLE AGENCIES:

LEA, SCAQMD

IMPLEMENTATION AND TIMING:

A. LEA and SCAQMD to review inspection reports prepared by USA Waste upon agency discretion.

B. LEA and SCAQMD to conduct onsite inspection during construction and through landfill operation upon agency discretion.
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CERTIFIED RETURN RECEIPT REQUESTED:
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, 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 cooperation with RCTC and Caltrans, FHWA has preliminarily identified a preferred alternative (Alternative 9) which would be identified as such to the public in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

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. In addition to providing the status of the efforts completed to date, describing the efforts currently in progress, and the describing the efforts anticipated in the future, this letter also supplements our letter of August 13, 2007 in which the FHWA requested formal concurrence with the phased evaluation and finding of effect for Alternative 9 of the MCP.

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, the Advisory Council on Historic Preservation (ACHP), SHPO, and Caltrans applies to this project. To date, efforts to identify...
historic properties that may be affected by the undertaking include the completion of an archaeological survey, an Extended Phase I Survey (XPI), and historic resources survey of all project alternatives (Alternatives 4, 5, 6, 7, and 9). Additionally, a Phase II study has been conducted for Alternative 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:

- Archaeological Survey Report (ASR)
- Extended Phase I Survey Report (in preparation)
- Historic Resource Evaluation Report (HRER)
- Preliminary Determination of Eligibility/Finding of Effect (in preparation)

In accordance with 35 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.

FHWA proposes to limit the archaeological evaluation and effects findings to Alternative 9. 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 (formerly of your staff) in May 2007. In the May 23, 2007 meeting, FHWA, SHPO, Caltrans, and RCTC tentatively agreed Alternative 9 was the least impacting to potential historic properties and that the archaeological evaluation and effects findings would be limited to Alternative 9 (see attached meeting summary).

As the fieldwork and report preparation for the XPI were being completed, LSA Associates, Inc. prepared an Archaeological Evaluation Proposal (AEP) for the nine archaeological sites proposed for Phase II study and excavation. This approach allowed the archaeological evaluation to proceed so that the project Draft EIR/EIS will be able to present a preliminary, yet valid, FOE for archaeological resources. In order to accommodate to the project schedule, it was also agreed during the May 23, 2007 meeting that a memorandum combining the preliminary determination of eligibility (DOE) and the preliminary finding of effect FOE) would be prepared shortly after fieldwork for the Phase II study was concluded.

Archaeological fieldwork associated with the MCP Phase II study occurred from November 12 to December 13, 2007 and the draft DOE/FOE memorandum is nearing completion. As proposed, the draft DOE/FOE will be the basis for the findings presented in the Draft EIS/EIR, scheduled for circulation to the public in late spring, 2008. In the meantime, the formal archaeological analysis and the Archaeological Evaluation Report (AER) will 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 (ROD), expected around 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 Shawn Oliver at (916) 498-5048, email shawn.oliver@fhwa.dot.gov or Stephanie M. Stoermer of our Resource Center at (720) 963-3218 if you have any questions or comments.

Sincerely,

/s/Larry Vinzant

For
Gene K. Fong
Division Administrator

Enclosure
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Cathy Bechtel  
Project Development Director  
Riverside County Transportation Commission  
4080 Lemon Street, 3rd Floor  
Riverside, CA 92501

Subject: Mid County Parkway Project

Dear Ms. Bechtel:

Thank you for your letter of April 21, 2008, addressing the Bureau of Land Management’s (BLM) concerns with regard to the potential for the proposed Mid County Parkway project to encroach upon 14 parcels of land managed by the Bureau of Land Management (BLM). As we have noted previously, these parcels are currently managed for the protection of sensitive species under the Stephens’ Kangaroo Rat Habitat Conservation Plan (HCP) and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Oversight for these HCPs is carried out by the Riverside County Habitat Conservation Agency (RCHCA) and the Western Riverside County Regional Conservation Authority (RCA).

We appreciate the opportunity for BLM staff to meet with you, RCHCA staff, and your project consultants to help better understand the Mid County Parkway project and to share our concerns and interests with you directly. As requested in your letter, we are providing our written concurrence with the following points agreed to in the meeting of April 2, 2008:

1. The BLM South Coast Resource Management Plan adopted in 1994 would not prohibit consideration of the Mid County Parkway project encroaching within BLM lands.
2. Any potential encroachment of the Mid County Parkway project into BLM lands shall be clearly acknowledged and disclosed in the Mid County Parkway EIR/EIS.
3. Mitigation for encroachment of the Mid County Parkway project into the BLM managed parcels within the Stephens’ Kangaroo Rat HCP reserve lands shall be provided by RCTC in accordance with the provisions of the Stephens’ Kangaroo Rat HCP (1:1 replacement of any occupied...
Stephens' Kangaroo Rat habitat) and subject to approval of the RCHCA, U.S. Fish and Wildlife Service, and California Department of Fish and Game. BLM will defer to RCHCA on the acceptability of the mitigation lands.

4. RCTC will submit an application to BLM for this right-of-way encroachment (Standard Form 299 – Application for Transportation and Utility Systems and Facilities on Federal Lands) along with the necessary filing fees in accordance with BLM’s cost recovery regulations.

We look forward to continuing to work with RCTC, RCHCA, and RCA as you move forward on the Mid County Parkway project. Please continue to coordinate with Michael Bennett who can be reached at (760) 251-4839.

Sincerely,

John R. Kalish
Field Manager
Mr. Mike Perovich, District Director  
California Department of Transportation  
District 8  
464 W. Fourth Street, 6th Floor  
San Bernardino, CA 92401-1400

Attention: Mr. Nassim Elias, Project Manager

Dear Mr. Perovich:

SUBJECT: NEW/MODIFIED ACCESS REPORT FOR THE INTERSTATE 15 AND 215/ MID COUNTY PARKWAY INTERCHANGE

The Federal Highway Administration (FHWA) has concluded review of the two New/Modified Access Reports, and related Exception to Mandatory Design Standards Fact Sheets, for the proposed additional interchanges and modification to existing interchanges. The proposed project would provide direct freeway to freeway connections to both Interstate routes 15 and 215 (I-15 and I-215) respectively, from the proposed limited access Mid County Parkway (MCP) corridor, in the Cities of Perris and Corona, Riverside County.

1. The New Connection Report for the I-15 presented two alternatives for the new system interchange (IC) and modifications to the existing service interchanges (ICs) at Weirick Road, Cajalco Road, El Cerrito Road, and Ontario Avenue. Based on the engineering and operations review, the addition and modifications presented in the Design Variation Alternative are acceptable.

2. The New Connection Report for the I-215 presented three alternatives for the new system IC, and based on the engineering and operations review, the addition and modifications presented in the Placentia Alternative are acceptable. This alternative includes modification of the existing service IC at Placentia Avenue.

These findings of “acceptability” only constitute preliminary or conditional approval of the new/modified access request. If the Design Variation Alternative and the Placentia Alternative are ultimately selected in the environmental process, and there are no major changes to the
design, final “approval” may be given upon completion of the planning and environmental processes.

Should you have any questions, please contact Mr. Bren I. George-Nwabugwu, Transportation Engineer at (916) 498-5890 (bren.george@fhwa.dot.gov)

Sincerely,

/s/ Bren I. George

For
Gene K. Fong
Division Administrator
Laura Miranda, Deputy General Counsel  
Pechanga Indian Reservation  
Temecula Band of Luleño Mission Indians  
Post Office Box 1477  
Temecula, Ca 92593

Dear Ms. Miranda:

SUBJECT: Response to Pechanga Tribe Comment Letter on Preliminary Recommendations of Eligibility and Level of Effects for the Mid County Parkway Project

The Federal Highway Administration (FHWA) would like to thank the Pechanga Tribe (Pechanga) for their January 25, 2008 letter and comments on the Mid County Parkway (MCP) Preliminary Recommendations of Eligibility and Level of Effects memorandum distributed to the Pechanga on December 14, 2007. The Pechanga comments, as well as the comments received from the other Tribes consulting on the project, have been carefully considered and will be incorporated into the revised draft version of the memorandum. This letter addresses several comments in the letter from Pechanga that warrant additional clarification.

General Comments

Several comments provided by the Pechanga recommend a regional approach and analysis. Please be assured that a regional approach to the evaluation phase of analysis is being applied. This methodology is stated in the Archaeological Evaluation Proposal (AEP) distributed to the Pechanga on September 25, 2007. Because the analysis of the Phase II studies is continuing, the regional analysis is currently in progress and will be contained in the Archaeological Evaluation Report (AER), which has not yet been completed.

Another concern expressed in several comments is the need to address possible indirect effects from the MCP on cultural resources. Indirect effects to cultural resources are being considered and will be addressed in the relevant technical reports. The analysis of indirect project effects on rock art will include visual simulations of the MCP in relation to specific cultural resources.
Specific Comments

- **On Page 6 of the Pechanga comments, the third sentence of the third complete paragraph states: “The dispersion of quartz and metavolcanic quarries in the area is not surprising for us because the material was required for religious purposes.”**

  Two quarry locations have been recorded within the MCP Area of Potential Effects (APE). For both quarry locations, a geologist with a specialty in mineralogy has made the source material identification. One of these quarry sites, CA-RIV-1512, contains an igneous type of rock determined to be porphyritic monzogranite. The other site, CA-RIV-1650 contains a metasedimentary material identified specifically as quartzite. Neither of the quarries contains quartz crystal, quartz crystalline or metavolcanic material types.

- **On Page 12 of the Pechanga comments, the first sentence of the second complete paragraph states: “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.”**

  The report for the Inland Feeder Project has not yet been published (it is currently in review with Metropolitan Water District). However, verbal and email communication with that project’s cultural resources consultant, Applied Earthworks, Inc. confirms that human remains were not discovered during that project. Please see attached email communication.

- **On Page 14 of the Pechanga comments, the fifth sentence of the first incomplete paragraph states: “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.”**

  At the request of the Pechanga tribe, LSA Associates, Inc. (LSA) agreed to assess nine outcrops near the APE for the Mid County Parkway project identified by the Tribe as containing possible cupules. An initial field visit resulted in the opportunity for LSA archaeologists and Native American cultural resources specialists and monitors to visit these locations in the first week of January, 2008 and to jointly discuss the possible cultural or natural status of the surface treatment of the rock boulders at the different locations.

  Following the field visit with the Native American representatives, LSA met with Caltrans District 8 archaeologists Dr. Karen Swope and Gabrielle Duff to go over photographs of the boulder treatment on the nine outcrops. To further respond to the tribal request, LSA also requested that Dr. Swope and Ms. Duff accompany MCP Principal Investigator Nina Delu and Co-Principal Investigator Dr. Frederick W. Lange on a field visit to the various proposed cupule locations. Points 7, 8, and 9 (see attached map) were considered the most important to assess in terms of their location with regard to proximity and view shafts from the proposed APE. Both Caltrans and LSA archaeologists agreed that since the area was a geologically active landscape that it would be important to have LSA’s Geologist Robert E. Reynolds visit the location to investigate the possible cupules from a geological perspective.
The visit with Geologist Robert E. Reynolds, LSA Principal/Archaeologist Curt Duke, and the Co-Principal Investigator, Dr. Lange, was completed on February 26, 2008. They revisited three outcrops recorded as containing possible cupules near the Mid County Parkway Project (the above referenced Points 7, 8, and 9). This is the first time in southern California that there has been a detailed geological field examination of outcrops containing cupule-like depressions and a collateral analysis of the geological setting of the outcrops and the seismic events and geological processes that have affected the exposed outcrops.

Mr. Reynolds’s geological interpretation is that all cupule-sized depressions examined were natural—a result of subaerial erosion by percolation of acidic ground water at a pre-late Pleistocene time when granitic boulder outcrops of the Perris Block were buried under granitic gruss and colluvium. None of the proposed cupules at these locations could be demonstrated to be cultural in origin, since the grains of quartz and feldspar in the cupule-sized depressions did not exhibit marks of abrasion or fracturing of mineral grains. When examined with a 10x hand lens, the proposed cupules failed to show abrasion on exposed grains. In contrast, culturally produced smoothing on nearby milling slicks showed abrasion and fracturing of mineral grains (often referred to by ground stone specialists as “shearing”), and produced a surface that is orders of magnitude smoother than that inside the cupule-sized depressions. Furthermore, the same level of analysis was conducted at two cupule sites in the region: 33-16598 (within the APE) and 33-62 (not within the APE). All of the cupules located at sites 33-16598 (approximately 200 cupule total) and 33-62 (approximately 10 cupules) demonstrate trace evidence of grinding that are notable to the touch, the grinding slicks within the cupules are visible without magnification, and under magnification show abrasion and that the mineral crystals have been sheared from the act of grinding.

Mr. Reynolds’s interpretation is that all depressions below the boulder lip (overhang) at the three locations (Points 7, 8, and 9) were caused by the interaction of acidic ground water loosening mineral grains in the boulders while the now exposed faces were buried underground at a time thousands of years ago. The approximate original ground level that covered the now exposed face is calculated as being at the boulder lip. Reddish-brown iron and manganese oxides exposed below the lip suggest sub aerial “armoring” of the boulder surface by ground water percolation while buried. After exposure of faces below the lip by erosion, exfoliation of the dark, armored surface produces “fresh” surfaces whose light color contrasts with the dark oxide coloration. Based on the data collected, none of the cupule-sized depressions at these three points show evidence of being made, used, or altered by cultural activity.

- **On Page 14 of the Pechanga comments, the second sentence of the second complete paragraph states:** “The Tribe has requested information and maps of the sites in the area from LSA, but has been told that there is no such information to provide.”

In an email dated January 18, 2008, LSA Principal Investigator Nina Delu informed Anna Hoover, Pechanga Cultural Resource Specialist, that based on the history of the project, the Riverside County Transportation Commission (RCTC, Project Proponent) has a practice of not sharing MCP specific GIS data until the Draft Environmental Impact
Report/Draft Environmental Impact Study (DEIR/DEIS) goes to public review. RCTC expressed that they would like to remain consistent with this protocol with regards to the Pechanga request for data. LSA offered to facilitate the transfer of all the site shapefiles to Pechanga once the DEIR/DEIS is in public review. Please see the attached email communication.

We hope this helps to clarify some of the issues and concerns in your comment letter. As stated above, specific comments provided by the Tribes have been addressed in a revised draft of the memorandum. FHWA would like to thank you for your commitment to the Native American consultation being conducted for this project. Please contact Shawn Oliver at (916) 498-5048, email shawn.oliver@fhwa.dot.gov, or Stephanie M. Stoerner at our Resource Center at (720) 963-3218 if there are any questions or additional comments.

Sincerely,

[Signature]

For
Gene K. Fong
Division Administrator

Enclosures
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From: Anna Hoover [ahoover@pechanga-nsn.gov]
Sent: Friday, January 18, 2008 3:34 PM
To: Nina Delu
Cc: Curt Duke; Rob McCann; Laura Miranda
Subject: RE: Ground truthing data

Nina,
Thank you for addressing our questions. We will continue these comments into our letter which will be submitted next week.

Thank you!
Have a good weekend too!

Anna M. Hoover
Cultural Analyst
Pechanga Cultural Resources Department
P.O.Box 2183
Temecula, CA 92592
951.308.9295 (O)
951.770.8104 (D)
951.757.6139 (C)
951.694.0446 (F)
ahoover@pechanga-nsn.gov

_________________________________________________________________________________________

From: Nina Delu [mailto:Antonina.Delu@lsu-assoc.com]
Sent: Friday, January 18, 2008 3:21 PM
To: Anna Hoover
Cc: Curt Duke; Rob McCann
Subject: RE: Ground truthing data

Hi Anna--

I have some answers for you on your requests from the other day.

I will not be able to send anything out to Pechanga about the nature of the changes in the memo recommendations. This is mainly because before distributing any of my changes to the Tribes, I need to go through several reviews, including both peer QA/QC and agency review. Under the schedule that we are attempting to meet right now, agency review will be a 30 day time period starting at my submittal of revisions at the end of the month. Once I address agency comments, and they "sign off" that their comments have been addressed, we will then distribute the revised memo to the Tribes. This should hopefully happen in March. I encourage you to carry on with the comments that you are working on, with the understanding that I may have already made the same (or similar) changes.

As far as your request for electronic or hard copies of all of the sites from the Phase I
survey...you should already have a hard copy of the APE map with the locations of the sites. We do not have any maps created of all of the sites found during the survey (that would be a huge map and a huge undertaking), they exist in the LSA/RCTC GIS database only. So, I just got off the phone with Cathy Bechtel (RCTC) to discuss your request for electronic site data. Based on the history of the project, RCTC has had a practice of not sharing MCP specific GIS data (engineering or other) with anyone until the DEIR/DEIS goes public this spring. RCTC has expressed that they would like to remain consistent with this protocol with the Pechanga request for data. In springtime, once the draft goes out to the public, LSA will be happy to set up our GIS people with your GIS people to get all of the site shapefiles to Pechanga. Hopefully this works for you guys, since we are only a few months away from going public!

Have a good weekend. Talk to you soon.

Nina

From: Anna Hoover [mailto:ahoover@pechanga-nsn.gov]
Sent: Wed 1/16/2008 9:08 AM
To: Nina Delu
Subject: RE: Ground truthing data

Good Morning!
Since everyone seems to be asking for things, I was wondering if it might be possible to ask for some data too. First, you had mentioned in the field you were possibly changing the determinations of a couple of sites (-1512, -1650 (?) and -44/-16687). Will we be getting a memo on that soon? Second, I think I asked you before but I can’t remember. Can we please get a map (electronic and/or hard) of all the sites that were recorded on all the alignments during the Phase I survey? I understand if you need to take a little time to clear this with the powers that be but if we could get a copy or those sites, it would be really appreciated.

Thank you!!!

Anna M. Hoover
Cultural Analyst
Pechanga Cultural Resources Department
P.O.Box 2183
Temecula, CA 92592

951.308.9295 (O)
951.770.8104 (D)
951.757.6139 (C)
951.694.0446 (F)
ahoover@pechanga-nsn.gov

From: Nina Delu [mailto:Antonina.Delu@lsa-assoc.com]
Hi Everyone-

I have attached a map here that shows the proposed cupule data that LSA shot in last week with several Tribal Representatives from Pechanga, Ramona, Cahuilla, and Morongo. The GPS points that LSA shot in last Thursday are shown as red squares on the map, and the yellow stars are the proposed cupule locations that Pechanga sent RCTC/LSA in UTM form. Two of the locations recorded by Pechanga consisted of an outcrop with one or two milling slicks, not cupules (I labeled one of them as #6 on the map, and the other we did not visit since Pechanga told us that it was a milling slick on an outcrop and it was within a recorded site [AE-S-45]—represented by a yellow star south of Alt 9 ROW). We want to thank everyone for this productive day of site visits!

I would like to take the opportunity to remind all of you to send in your comments on the Preliminary Recommendations of Eligibility and Level of Effects memorandum by January 25, 2008.

As always, feel free to contact me with any questions or comments.

Thanks!
Nina

Nina Delu, M.A., RPA
Archaeologist/Senior Cultural Resource Manager
LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, CA 92614
949-563-0666–OFFICE
949-337-6109–CELL
949-975-1077–FAX

From: John Gomez [mailto:pechangajg@msn.com]
Sent: Monday, January 14, 2008 9:50 AM
To: Nina Delu; environmental@cahuilla.net; culturalresources@cahuilla.net; adrian morales; Paul Macarro; Anna Hoover; samdunlap@earthlink.net; jhamilton@ramonatribe.com; Darren Hill; Britt Wilson
Cc: Rob McCann; Curt Duke; Terri Fulton; Karen Swope; Gabrielle Duff; Cathy Bechtel; Gustavo Quintero; Landry, Charles
Subject: RE: Ground truthing data
Nina:

Would you please forward a copy of the map that we reviewed and used during the ground truthing project last Thursday? Thanks.

John A. Gomez, Jr.
Ramona Band of Cahuilla Indians

Subject: Ground truthing data
Date: Mon, 7 Jan 2008 12:17:06 -0800
From: Antonina.Delu@lsa-assoc.com
To: environmental@cahuilla.net; culturalresources@cahuilla.net; kasatongva@verizon.net; pmacarro@pechanga-nsn.gov; ahoover@pechanga-nsn.gov; samdunlap@earthlink.net; pechanga@msn.com; jhamilton@ramonatridge.com; dhill@soboba-nsn.gov; britt_wilson@morongo.org
CC: Rob.McCann@lsa-assoc.com; Curt.Duke@lsa-assoc.com; Terri.Fulton@lsa-assoc.com; karen_swope@dot.ca.gov; gabrielle_duff@dot.ca.gov; cbechtel@rtc.org; gquintero@bec-riv.org; Charles.Landry@jacobs.com

For anyone interested, LSA and representatives from Pechanga will be going out this Thursday to ground truth the GPS cupule data collected by Pechanga. We will not be doing anything other than relocating the proposed cupule locations, taking GPS shots to sub-meter accuracy, and doing some basic photo documentation. If you would like to join me, please e-mail me back directly to let me know that you plan on meeting up with me (so that I know whether or not to wait for you!).

We will be meeting at the normal cul-de-sac meet up spot near the Circle K/Jack in the Box--Harvill and Dree Circle at 11:30am. A four-wheel drive vehicle is a must for this visit. I do not anticipate that it will take more than 2 hours to visit the various locations.
From: Melinda Horne [mhorne@appliedearthworks.com]
Sent: Tuesday, February 12, 2008 3:23 PM
To: Terri Fulton
Subject: RE: quick MCP related question

Sure!

From: Terri Fulton [mailto:Terri.Fulton@lsa-assoc.com]
Sent: Tuesday, February 12, 2008 3:34 PM
To: Melinda Horne
Subject: RE: quick MCP related question

One more thing - do you mind if we refer to this email when we respond to the comment? Thanks!

From: Melinda Horne [mailto:mhorne@appliedearthworks.com]
Sent: Wednesday, January 30, 2008 3:16 PM
To: Terri Fulton
Subject: RE: quick MCP related question

None were found on the IFP, only Eastside!

Melinda

From: Terri Fulton [mailto:Terri.Fulton@lsa-assoc.com]
Sent: Wednesday, January 30, 2008 3:26 PM
To: Melinda Horne
Subject: quick MCP related question

Hi Melinda -

Long time! Hope your New Year is off to a good start =)

We are working on some Tribal comments for MCP and one refers to Native American human remains found on the Inland Feeder Project (which I worked on!). I don't remember this, but I'm sure there were other phases that I wasn't a part of. Can you please help with this? Were there human remains on the Inland Feeder Project? Thank you for this information.

Cheers,

Terri Fulton
Archaeologist/Senior Cultural Resources Manager
Native American Consultation
LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, CA 92614-4731
Phone (949) 553-0666
Fax (949) 553-8076
Wireless (949) 337-5454
terri.fulton@lsa-assoc.com
June 27, 2008

Gene K. Fong
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

RE: HAD-CA File # 8-RIV-Mid County Parkway Document #58359

Dear Mr. Fong:

As noted in your letter of May 9, 2008, in March 2007, Federal Highway Administration (FHWA) initiated consultation with my Office for the above cited undertaking. As the environmental process has proceeded, FHWA has kept my Office informed and updated on the status of the identification, evaluation and determining effects on historic properties efforts.

In accordance with sections 36 CFR 800.4(b) and 800.5(a)(3) of the Advisory Council on Historic Preservation Procedures and Section XII of the Programmatic Agreement, FHWA has requested my formal concurrence with a phased evaluation and finding of effect which would focus on the preferred alternative for the Mid County Parkway (MCP).

You have completed identification of cultural resources for all the undertakings' alternatives. As a result of these efforts, you have concluded that Alternative 9 will have the least adverse effects on historic properties and is your proposed preferred alternative. To minimize effects to other cultural resources, you have focused your evaluation efforts on historic properties which would be affected by Alternative 9. On May 23, 2007, my staff agreed in principal on this approach for phasing evaluation and determination of effects. You now request my formal concurrence with this approach. I so concur.

I look forward to concluding consultation for this undertaking. Please feel free to consult Susan Stratton or Dwight Dutschke of my staff as you proceed with consultation.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
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July 2, 2008

Mr. Damon DeFrates  
Senior District Manager  
Waste Management – El Sobrante Landfill  
P. O. Box 77908  
Corona, CA  92877

Subject: Offer of Cooperation – El Sobrante HCP

Dear Mr. DeFrates:

Thank you for taking the time to meet with us to further discuss your letter of May 6, 2008. This letter serves to summarize our discussion and acknowledge the understanding that we reached in the June 3 meeting.

RCTC appreciates USA Waste’s Offer of Cooperation outlined in the May 6 letter and understands the importance of the El Sobrante HCP to the existing and future operations of the El Sobrante Landfill. We further understand that the items identified in the letter under “Costs and Compensation” are preliminarily offered as negotiation points to be considered at such time as the processing of an amendment to the HCP would be initiated. We discussed and agreed that the timeframe for the amendment would be based on timing for construction of the Mid County Parkway facility in the location of the El Sobrante Landfill area.

We also discussed that many of the concerns that you raise relate to the potential indirect effects on the El Sobrante HCP from the Mid County Parkway Project itself, regardless of the direct effects on the HCP land area. We presented to you information that will be included in the EIR/EIS that addresses these indirect effects, including design features and measures to avoid and minimize the effects. However, we recognize that these are issues of concern to you that are also addressed in the Cost and Compensation section of your May 6 letter and will require future discussion with the appropriate parties.

You requested our participation and assistance in talking with the county or other appropriate agencies to further discuss your requests; we would be happy to participate in these meetings. We again thank you for your Offer of Cooperation and for meeting with us to further discuss and understand all of the relevant issues and considerations. If you have any questions or would like to discuss matters further at this time, please feel free to contact me at (951) 787-7934.

Sincerely,

[Signature]

Cathy Bechtel
Project Development Director
This page intentionally left blank
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: PRELIMINARY DETERMINATIONS OF ELIGIBILITY AND FINDING OF ADVERSE EFFECT FOR THE MID COUNTY PARKWAY PROJECT, RIVERSIDE COUNTY

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Department) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 15 (I-15) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 32 miles. Section 106 activities to date for this project include a draft Archaeological Survey Report (ASR) and draft Historical Resources Evaluation Report (HRER), which document the identification of cultural resources within the project’s Area of Potential Effects (APE) for all alternatives.

On May 23, 2007, a meeting between State Historic Preservation Officer (SHPO), FHWA, RCTC, and the Department, was held, during which a consensus was reached that FHWA would seek early consultation with the SHPO to request concurrence on a phased approach to the Section 106 process. In addition, it was agreed that FHWA would seek the SHPO’s concurrence on preliminary draft determinations of eligibility and Finding of Effect, with the submittal of complete documentation to follow the public review of the draft Environmental Impact Study/Environmental Impact Report (EIS/EIR). In order to minimize effects to other cultural resources, FHWA requested that the SHPO concur on a phased approach to identification and evaluation of cultural resources. On June 27, 2008, the SHPO concurred with FHWA’s request to proceed with a phased evaluation and finding of effect focusing on the preferred alternative (Alternative 9) for the MCP. As noted in the June 27, 2008 letter, FHWA has kept the SHPO informed and updated on the status of the identification, evaluation and determining effects on historic properties efforts. Enclosed are two (2) copies of the Preliminary Recommendations of Eligibility and Levels of Effect (DOE/FOE) report.

MOVING THE AMERICAN ECONOMY

IN REPLY REFER TO
HDA-CA
08-Riv-999
Mid County Parkway
Riverside County
Document # P58571
In accordance with the January 2004 Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation (PA), a preliminary Finding of Effect was prepared due to the identification of historic properties within the project area, which may be affected by the undertaking pursuant to Stipulation IX.B of the PA. A Historic Property Survey Report (HPSR) containing final determinations of eligibility and a Finding of Effect is currently in preparation and will be submitted to the SHPO for formal concurrence at a later date.

In total, 62 properties were evaluated in Alternative 9, 55 of which were determined ineligible for listing in the National Register of Historic Places (NRHP). (See enclosed document for details)

Four properties were determined eligible for listing in the NRHP:

- P-33-1512; Prehistoric quarry site
- P-33-1650/P-33-16687; Prehistoric quarry site
- P-33-16598; Prehistoric multi-use site containing rock art, cupules, rock shelters, midden, milling features; and
- P-33-16679; Prehistoric habitation site

Three properties are assumed eligible for the purposes of the current undertaking pursuant to Stipulation VIII.C.3 of the PA:

- P-33-1649; Prehistoric quarry site
- P-33-12230; Prehistoric habitation site; and
- LSA-JCV531-S-207; Historic site containing three rock rings

FHWA is considering these three sites to be eligible for the NRHP under Criterion D for the purposes of this undertaking without conducting subsurface testing or surface collection and will establish and enforce ESAs to ensure that there will be no adverse effects to the property as a result of the proposed undertaking pursuant to Stipulation X.B.2.a(ii).

At this time, FHWA is requesting a provisional concurrence on the preliminary determinations of eligibility, in accordance with Stipulation VIII.C.5 of the PA and 36 CFR 800.4(c)(2). FHWA is also consulting with the SHPO pursuant to Stipulation X.C.1 and 36 CFR 800.5(c) and seeks provisional concurrence on a preliminary finding of Adverse Effect for the project as a whole.
If you need additional information, please do not hesitate to contact Shawn Oliver FHWA Transportation Engineer, at (916) 498-5048, Jill Hupp, Caltrans Section 106 Coordination Branch Chief at (916) 654-3567, or Gabrielle Duff, Caltrans District 8 Associate Environmental Planner, Archaeology (909) 388-7034.

We look forward to your response.

Sincerely,

[Signature]

For
Gene K. Fong
Division Administrator

Enclosures: Preliminary Recommendations of Eligibility and Level of Effects
August 28, 2008

Gene K. Fong
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

RE: HAD-CA 08-Riv-999-Mid County Parkway Document #P58571; Preliminary Determinations of Eligibility and Finding of Adverse Effect

Dear Mr. Fong:

Thank you for requesting my comments on the above cited determinations. You seek my comments in accordance with the January 2004 Programmatic Agreement among Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation. My staff has reviewed the documentation you provided and I would like to offer the following comments.

You have requested my concurrence that four properties P-33-1512, P-33-1650/P-33-16687, P-33-16598 and P-33-16679 are eligible for the National Register of Historic Places. I concur with this determination. If for any reason, the final evaluation provides additional information which might change these determinations or other determinations, please once again seek my comments.

In addition, you seek my concurrence that the undertaking as a whole will have an adverse effect on historic properties. I so concur with this determination.

Finally, you have notified me that Federal Highway Administration proposes to assume eligibility of P-33-1649, P-33-12230 and LSA-JCV531-S-207 and will establish ESAs to ensure their protection. I wish to so note.

I look forward to concluding consultation for this undertaking. Please feel free to consult Susan Stratton or Dwight Dutschke of my staff as you proceed through the Section 106 process.

Sincerely,

[Signature]

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
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June 22, 2010

Ms. Lisa Hanf
Federal Activities Office
United States Environmental Protection Agency Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Hanf:

Subject: Request for Comment on the Purpose and Need for the Mid County Parkway Project, Riverside County

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Small Working Group have developed a modified Purpose and Need for the MCP project in Riverside County.

Pursuant to the 2006 National Environmental Policy Act/Clean Water Act Section 404 Memorandum of Understanding (MOU), the FHWA, in conjunction with RCTC and Caltrans, is requesting a formal “Agree/Disagree” response from your agency on the modified MCP Purpose and Need. This request is consistent with provisions of Section III at number 5 of the 2006 MOU.

The following steps were taken prior to this checkpoint decision request:

- The transportation agencies submitted a checkpoint information packet on May 5, 2010, to the federal and State resource and regulatory agencies involved in the project (United States Army Corps of Engineers, United States Environmental Protection Agency [EPA], United States Fish and Wildlife Service, and California Department of Fish and Game). The checkpoint information packet was submitted 14 calendar days in advance of the checkpoint meeting.

- The transportation agencies held a checkpoint meeting on May 19, 2010, to discuss any comments on the modified Purpose and Need. At this meeting, consensus was reached between the transportation, resource, and regulatory agencies, including the EPA, on the content of the Purpose and Need.

The FHWA, Caltrans, and RCTC greatly appreciate your ongoing involvement in the MCP project. Please submit your response to FHWA. Following your formal response on the modified Purpose and Need, we look forward to continuing to work with you on the analysis of the revised project alternatives and, subsequently, the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement.

“Caltrans improves mobility across California”
Ms. Lisa Hanf  
June 22, 2010  
Page 2

We are requesting your agency’s written response within 30 calendar days, per the 2006 MOU. If you have any questions, please contact Tay Dam at (213) 321-6360 or e-mail at tay.dam@dot.gov.

Sincerely,

[Signature]

MARIE J. PETRY  
Senior Environmental Planner  
Special Studies

cc:  Tay Dam/FHWA  
Shawn Oliver/FHWA  
Larry Vinzant/FHWA  
Cathy Bechtel/RCTC  
David Bricker/Caltrans District 8  
Nassim Elias/Caltrans District 8  
Marie Petry/Caltrans District 8  
Merideth Cann/Jacobs Engineering  
Rob McCann/LSA Associates, Inc.

"Caltrans improves mobility across California"
June 22, 2010

Colonel Thomas H. Magness, IV, District Commander
United States Army Corps of Engineers, Los Angeles District
911 Wilshire Boulevard
Los Angeles, CA 90017

Dear Colonel Magness:

Subject: Request for Comment on the Purpose and Need for the Mid County Parkway Project, Riverside County

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Small Working Group have developed a modified Purpose and Need for the MCP project in Riverside County.

Pursuant to the 2006 National Environmental Policy Act/Clean Water Act Section 404 Memorandum of Understanding (MOU), the FHWA, in conjunction with RCTC and Caltrans, is requesting a formal "Agree/Disagree" response from your agency on the modified MCP Purpose and Need. This request is consistent with provisions of Section III at number 5 of the 2006 MOU.

The following steps were taken prior to this checkpoint decision request:

- The transportation agencies submitted a checkpoint information packet on May 5, 2010, to the federal and State resource and regulatory agencies involved in the project (United States Army Corps of Engineers [USACE], United States Environmental Protection Agency, United States Fish and Wildlife Service, and California Department of Fish and Game). The checkpoint information packet was submitted 14 calendar days in advance of the checkpoint meeting.

- The transportation agencies held a checkpoint meeting on May 19, 2010, to discuss any comments on the modified Purpose and Need. At this meeting, consensus was reached between the transportation, resource, and regulatory agencies, including the USACE, on the content of the Purpose and Need.

The FHWA, Caltrans, and RCTC greatly appreciate your ongoing involvement in the MCP project. Please submit your response to FHWA. Following your formal response on the modified Purpose and Need, we look forward to continuing to work with you on the analysis of the revised project alternatives and, subsequently, the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement.

"Caltrans improves mobility across California"
Colonel Thomas H. Magness
June 22, 2010
Page 2

We are requesting your agency’s written response within 30 calendar days, per the 2006 MOU. If you have any questions, please contact Tay Dam at (213) 321-6360 or e-mail at tay.dam@dot.gov.

Sincerely,

[Signature]

MARIE J. PETRY
Senior Environmental Planner
Special Studies

cc: Tay Dam/FHWA
    Shawn Oliver/FHWA
    Larry Vinzant/FHWA
    Cathy Bechtel/RCTC
    David Bricker/Caltrans District 8
    Nassim Elias/Caltrans District 8
    Marie Petry/Caltrans District 8
    Merideth Cann/Jacobs Engineering
    Rob McCann/LSA Associates, Inc.
June 22, 2010

Mr. Jim Bartel, Field Supervisor
United States Department of the Interior
Fish and Wildlife Service
Ecological Services
6010 Hidden Valley Road
Carlsbad, CA 92009

Dear Mr. Bartel:

Subject: Request for Comment on the Purpose and Need for the Mid County Parkway Project, Riverside County

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Small Working Group have developed a modified Purpose and Need for the MCP project in Riverside County.

Pursuant to the 2006 National Environmental Policy Act/Clean Water Act Section 404 Memorandum of Understanding (MOU), the FHWA, in conjunction with RCTC and Caltrans, is requesting a formal “Comment or No Comment” response from your agency on the modified MCP Purpose and Need. This request is consistent with provisions of Section III at number 5 of the 2006 MOU.

The following steps were taken prior to this checkpoint decision request:

• The transportation agencies submitted a checkpoint information packet on May 5, 2010, to the federal and State resource and regulatory agencies involved in the project (United States Army Corps of Engineers, United States Environmental Protection Agency, United States Fish and Wildlife Service [USFWS], and California Department of Fish and Game). The checkpoint information packet was submitted 14 calendar days in advance of the checkpoint meeting.

• The transportation agencies held a checkpoint meeting on May 19, 2010, to discuss any comments on the modified Purpose and Need. At this meeting, consensus was reached between the transportation, resource, and regulatory agencies, including the USFWS, on the content of the Purpose and Need.

• The FHWA, Caltrans, and RCTC greatly appreciate your ongoing involvement in the MCP project. Please submit your response to FHWA. Following your formal response on the modified Purpose and Need, we look forward to continuing to work with you on the analysis of the revised project alternatives and, subsequently, the Recirculated Draft Environmental Impact Report /Supplemental Draft Environmental Impact Statement.

"Caltrans improves mobility across California"
Mr. Jim Bartel  
June 22, 2010  
Page 2

We are requesting your agency's written response within 30 calendar days, per the 2006 MOU. If you have any questions, please contact Tay Dam at (213) 321-6360 or e-mail at tay.dam@dot.gov.

Sincerely,

[Signature]

MARIE J. PETRY  
Senior Environmental Planner  
Special Studies

cc:  Tay Dam/FHWA  
Shawn Oliver/FHWA  
Larry Vinzant/FHWA  
Cathy Bechtel/RCTC  
David Bricker/Caltrans District 8  
Nassim Elias/Caltrans District 8  
Marie Petry/Caltrans District 8  
Merideth Cann/Jacobs Engineering  
Rob McCann/LSA Associates, Inc.
Chapter 1  Proposed Project

1.1  Introduction

The Riverside County Transportation Commission (RCTC), California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA), propose to improve west-east transportation in western Riverside County (County) between Interstate 215 (I-215) in the west and State Route 79 (SR-79) in the east. The proposed project will construct a new freeway, known as the Mid County Parkway (MCP), which will provide a direct and continuous route connecting major population/employment centers as identified in the Land Use Element of the County of Riverside General Plan and the General Plans of the cities of Perris and San Jacinto, a distance of approximately 16 miles (mi). The MCP project’s regional location is shown in Figure 1.1.1.

RCTC is the project proponent and the lead agency under CEQA and has adopted guidelines for implementing the California Environmental Quality Act (CEQA). FHWA is the lead agency under the National Environmental Policy Act (NEPA), with Caltrans acting as its agent and providing oversight for the NEPA process. Caltrans may also become the owner/operator of the MCP if it is designated as a State Route following the completion of construction. RCTC, Caltrans, and FHWA are working in close collaboration with United States Army Corps of Engineers (USACE), United States Environmental Protection Agency (EPA), United States Fish and Wildlife Service (USFWS), and California Department of Fish and Game (CDFG) in the development of Purpose and Need and the Alternatives for the MCP project.

1.2  Background

The MCP project was identified as a key west-east regional transportation corridor as a result of several years of comprehensive land use and transportation planning in Riverside County through the Riverside County Integrated Project (RCIP). The RCIP was an unprecedented, multiyear planning effort to simultaneously prepare environmental, transportation, housing, and development guidelines for Riverside County for the first half of the 21st century. Riverside County is one of the fastest growing counties in the United States. The purpose of the RCIP was to address the planning, environmental, and transportation issues that would result from the
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anticipated doubling of population in Riverside County, from 1.5 million residents currently to approximately 3.0 million by 2020. The RCIP included three components: (1) a new General Plan for Riverside County, adopted in October 2003; (2) a Multiple Species Habitat Conservation Plan (MSHCP) for western Riverside County (approved in June 2004); and (3) the Community and Environmental Transportation Acceptability Process (CETAP). CETAP study efforts were jointly undertaken by the RCTC and the County of Riverside as a part of the RCIP. CETAP included the study of two intercounty corridors (Riverside County to Orange County and Riverside County to San Bernardino County) and two intracounty transportation corridors (a north-south and a west-east corridor in western Riverside County). Tier 1 analyses and environmental documents were initiated for the two intracounty corridors in fall 2000: a north-south corridor referred to as Winchester to Temecula, and a west-east corridor known as the Hemet to Corona/Lake Elsinore (HCLE) Corridor. The purpose of the Tier 1 efforts was to select preferred alternatives in order to preserve needed right of way.

The west-east corridor was known as the HCLE Corridor (Figure 1.2.1). The agencies that participated in the HCLE Corridor study process developed the following purpose of the proposed action in the HCLE Corridor: “to provide multimodal transportation improvements that will help alleviate future traffic demands and congestion and improve the east-west movement of people and goods across western Riverside County.”

After a Draft Tier 1 Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was completed for the HCLE Corridor and circulated for public review in 2002 with a suite of 14 “build” alternatives, the RCTC Board accepted a staff recommendation in June 2003 to proceed with the accelerated preparation of a project-level environmental document for a west-east alternative that would generally follow the existing alignment of Cajalco Road and Ramona Expressway, known as the MCP project.


2 Although the document prepared for the HCLE Corridor was a Tier 1 EIS/EIR, this Draft EIR/EIS for the MCP project does not “tier off” the HCLE Draft Tier 1 EIS/EIR pursuant to Section 15152 of the California Environmental Quality Act (CEQA) Guidelines. This is because a Final Tier 1 EIS/EIR was not completed, and all of the data and analysis contained in the HCLE Draft Tier 1 EIS/EIR needed to be updated for the analysis of the MCP Alternatives.
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Hemet to Corona/Lake Elsinore Study Area

Figure 1.2.1

Legend

- Previous Mid County Parkway Study Area - 2004
- Mid County Parkway Study Area - 2009
- Hemet to Corona/Lake Elsinore Study Area

SOURCE: ESRI (2006); TBM (2006), Jacobs Engineering (11/09)

0 2.5 5 10 Miles
0 4 8 16 Kilometers

I:\CV531\GIS_Final\EIR_EIS\Recirculated_Draft\HCLE_StudyArea.mxd (5/27/2010)
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Engineering and environmental studies were initiated in 2004 for the MCP project, a proposed 32 mi facility between Interstate 15 (I-15) and SR-79, and in September 2007 the RCTC Board selected a Locally Preferred Alternative (Alternative 9 Temescal Wash Design Variation) for the MCP project. In October 2008, the Draft EIR/EIS for the MCP project was circulated for a 90-day public review period. During this time, six public meetings/hearings were held and RCTC accepted public comments for the record at all of these meetings, along with comments via the MCP project website and email. Over 3,100 comments were received from 50 public agencies and organizations, 10 large property owners, 240 individuals, and a form letter from over 1,100 individuals nationwide.

The following two key themes emerged in the public review comments:

1. Concern about the cost and timing of available funds for the project. Many comments noted that, given the current economy and difficulty in securing funding for the entire project, limited financial resources should be focused on areas of greatest need.

2. Although the public comments raised concerns about many aspects of the project throughout its entire length, many comments suggested that making improvements to existing facilities rather than building the MCP facility would be a better expenditure of public funding in the western portion of the project area between I-15 and I-215. In this area, improving existing facilities, such as Cajalco Road, instead of building the MCP facility would minimize impacts to the rural communities of Gavilan Hills and Lake Mathews Estates as well as existing habitat reserves. Impacts to rural communities and existing habitat reserves were two major concerns raised in the public comments.

To address the concerns identified above, in spring 2009, RCTC as the lead agency under CEQA, FHWA as the lead agency under NEPA, and Caltrans acting as an agent and providing oversight for the NEPA process, developed an approach for completing the EIR/EIS process for the project. This approach modified the MCP project limits from 32 miles (I-15 to SR-79) to 16 miles (I-215 to SR-79) in order to focus transportation funding where the need is the greatest, between I-215 to SR-79, near existing facilities (i.e., Ramona Expressway\(^1\)). This approach also includes

\(^1\) Ramona Expressway exists today between I-215 and SR-79 as a two- to six-lane arterial highway with numerous intersections and driveways for local property access.
preparation of a Recirculated Draft EIR/Supplemental Draft EIS that would revise the project purpose statement and modify the project alternatives. RCTC recognizes that while the need for transportation improvements still exists between I-15 and I-215, the Riverside County Transportation Department’s proposed widening improvements to Cajalco Road will alleviate a portion of that need. The greatest near-term need for west-east transportation improvements is east of I-215, even with the planned improvements along existing Ramona Expressway; see Section 1.3.2.1. Therefore, the project purpose for the modified MCP project focuses on the need for transportation improvements between I-215 and SR-79. As discussed later in Section 1.3.1, I-215 and SR-79 provide logical termini for the MCP project, and the project has independent utility even if no additional transportation improvements are made in the area. This approach for completing the EIR/EIS process for the modified MCP project was reviewed with the federal and State resource and regulatory agencies involved in the project (USACE, EPA, USFWS, and CDFG).

Fundamental to the modification of the MCP project purpose statement and alternatives is the tenet that no improvements between I-15 and I-215 are planned, designed, or intended to be implemented as part of the MCP project. The distinct transportation needs between I-15 and I-215 will be addressed by the Riverside County Transportation Department’s General Plan roadway improvements for Cajalco Road. The Cajalco Road improvement project would be subject to a separate environmental review process in the future with the Riverside County Transportation Department acting as the lead agency. The Cajalco Road improvements will be analyzed in the MCP cumulative impacts assessment using the most current information available from the County (see Section 3.25, Cumulative Impacts, of this Recirculated Draft EIR/Supplemental Draft EIS for additional detail). A CETAP corridor between I-15 and I-215 would remain in the Regional Transportation Plan (RTP) so as to not preclude consideration of transportation improvements to address future needs beyond those being addressed by the Cajalco Road improvements.

On July 8, 2009, the RCTC Board formally took action to refocus the MCP project between I-215 and SR-79. As a result of the RCTC’s Board action, a Recirculated Draft EIR/Supplemental Draft EIS is being prepared for the modified project. Public and agency comments previously submitted for the October 2008 Draft EIR/EIS will

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1 See Chapter 2, Project Description and Alternatives, of this Recirculated Draft EIR/Supplemental Draft EIS for additional details on the project alternatives.
be included in the MCP Administrative Record, but no formal responses will be prepared. However, any comments applicable to the modified MCP project will be addressed in the Recirculated Draft EIR/Supplemental Draft EIS. Any comments received during the public review period of the Recirculated Draft EIR/Supplemental Draft EIS will be formally responded to prior to the Final EIR/EIS.

1.2.1 Funding and Programming

Table 1.2.A provides the preliminary cost estimate for the proposed MCP project.

The Project Approval/Environmental Document (PA/ED) phase of the MCP project, including the preparation of the Draft EIR/EIS and Recirculated Draft EIR/Supplemental Draft EIS, was funded with Riverside County Transportation Uniform Mitigation Fee funds and a federal streamlining funding allocation. No funding has been programmed for design, right of way acquisition, or construction although it is anticipated that a combination of the local Measure “A” 0.5-cent sales tax, local Transportation Uniform Mitigation Fee fees, local agency and developer funds, and State and federal dollars would be pursued. The MCP project would be eligible for funding from the State Transportation Improvement Program (STIP) and Regional Surface Transportation Program (RSTP), as well as other state and federal sources.

The project is currently included in the 2008 RTP adopted May 8, 2008, listed as CETAP Mid County Parkway Corridor (RIV031218). A revised programming description was submitted to the Southern California Association of Governments (SCAG) for the 2008 RTP Amendment No. 2. The following is the revised description approved by SCAG on January 22, 2010, for the project:

Table 1.2.A Preliminary Project Cost Estimate

<table>
<thead>
<tr>
<th>Cost Breakdown</th>
<th>Estimated Costs ($) billion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>0.07 to 0.10</td>
</tr>
<tr>
<td>Construction</td>
<td>1.7 to 2.4</td>
</tr>
<tr>
<td>Right-of-Way Construction</td>
<td>0.4 to 0.8</td>
</tr>
<tr>
<td>Environmental Mitigation</td>
<td>0.13</td>
</tr>
<tr>
<td>Total Cost</td>
<td>1.8 to 2.5</td>
</tr>
</tbody>
</table>

Source: Jacobs, 2009.

1 See Chapter 2 of this EIR/EIS for a cost breakdown by alternative.
2 Cost provided is an average for the alternatives based on information in the Draft Project Report.

EIR/EIS = Environmental Impact Report/Environmental Impact Statement
“Construct a 6–8 lane (3 to 4 lanes in each direction) approximately 16-mile Mid County Parkway corridor in western Riverside County between I-215 in Perris east to SR-79 in San Jacinto including construction/reconstruction of approximately 10 interchanges.”

The project is also included in the 2008 Regional Transportation Improvement Program (RTIP) Amendment No. 24, which was adopted on January 22, 2010. The following is the revised programming description included in the 2008 RTIP Amendment No. 24:

“Mid County Pkwy: Construct 6 to 8 through lane (3 to 4 lanes in each direction) approximately 16 mile Mid County Pkwy corridor in western Riverside County between I-215 in Perris east to SR-79 in San Jacinto including construction/reconstruction of approximately 10 interchanges.”

1.3 Project Purpose and Need

1.3.1 Project Purpose

The purpose of the proposed action is to provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through Perris and San Jacinto. More specifically, the selected Alternative would:

- Provide increased capacity to support the forecast travel demand for the 2040 design year;
- Provide a limited access facility;
- Provide roadway geometrics to meet state highway design standards;
- Accommodate Surface Transportation Assistance Act (STAA) National Network trucks\(^1\); and
- Provide a facility that is compatible with a future multimodal transportation system.

The MCP project provides logical termini since it connects to two major north-south transportation facilities (I-215 and SR-79), has independent utility since the project is

\(^1\) These are larger trucks that are permitted on the federal Interstate system and the non-Interstate Federal-aid Primary System.
usable and a reasonable expenditure even if no additional transportation improvements in the area are made, and it does not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

1.3.2 Project Need

The MCP project is located in an area of western Riverside County\(^1\) that is currently undergoing substantial population and employment growth. According to the California Finance Department, in 2009, the population in Riverside County reached approximately 2.1 million people. Population in Riverside County overall is expected to double between 2003 and 2035 from approximately 1.7 million to 3.6 million.\(^2\) Specifically, the population in western Riverside County is expected to increase by over 1.3 million people between 2010 and 2035, an increase of more than 60 percent. Growth in employment is expected to occur at an even higher rate, approximately 80 percent between 2010 and 2035, with an overall doubling of the number of jobs between 2003 and 2035.\(^3\) The Inland Empire Quarterly Economic Report states employment in the Inland Empire is no longer decreasing, and employment is projected to increase by 10,500 jobs in 2010 (approximately 0.9 percent). In addition, the report states the housing market in the Inland Empire appears to have bottomed out and is now in the recovery period due to demand and overwhelming supply coming from foreclosures.\(^4\) Although currently funded transportation improvements will address some of the projected future demand, additional transportation improvements are needed to provide for the efficient movement of people and goods in the future.

\(^1\) Western Riverside County consists of 16 incorporated cities and portions of unincorporated Riverside County and is generally bounded by San Diego County to the south, Orange County to the west, San Bernardino County to the north, and the San Jacinto Mountains to the east.

\(^2\) 2008 RTP Integrated Growth Forecast, Southern California Association of Governments. Note, growth projections are provided only through 2035 since approved projections through 2040 are not yet available.

\(^3\) 2008 RTP Integrated Growth Forecast, Southern California Association of Governments.

\(^4\) San Bernardino Associated Governments (SANBAG; October 2009 and January 2010). Inland Empire Quarterly Economic Report.
1.3.2.1 Capacity, Transportation Demand and Safety

**Existing Capacity**

The existing major west-east facilities in western Riverside County consist of State Routes 60, 91, and 74 (SR-60, SR-91, and SR-74, respectively), and Interstate 10 (I-10); see Figure 1.3.1 for the existing circulation network. These facilities provide linkages between the major north-south facilities of I-15, I-215, and SR-79. In 2040, SR-60 and SR-91, as well as several segments of SR-74, are projected to operate at level of service (LOS) F. The previous HCLE CETAP studies evaluated several parkway alternatives along Ramona Expressway, Cajalco Road, and El Sobrante Road, as well as other alternatives to the south along portions of SR-74, Domenigoni Parkway, Ethanac Road, and Newport Road. While the Riverside County General Plan (2003) identifies several major west-east arterials south of SR-74 that provide alternative west-east routes, Ramona Expressway is the only existing major transportation corridor between SR-74 and SR-60/SR-91 (see Figure 1.3.1, Circulation Element) that provides a connection between I-215 and SR-79. Ramona Expressway is a two- to six-lane expressway with partial access control; therefore, discussion of capacity, transportation demand, and safety focuses on Ramona Expressway.

**Level of Service**

Ramona Expressway currently operates at an unacceptable LOS (LOS F) through many segments with approximately 29,200 average daily traffic (ADT) in 2010. By 2040, it is anticipated, even with planned improvements in the Riverside County General Plan Circulation Element, Ramona Expressway would continue to operate at an unacceptable LOS F with approximately 74,900 ADT.\(^1\) The 2040 projections show a more than 100 percent increase in traffic demand through the corridor. Existing capacity is inadequate to meet the future traffic demand.

\(^1\) Planned improvements include widening of Ramona Expressway to a 6- to 8-lane limited access facility per the Riverside County General Plan Circulation Element.
Figure 1.3.1  

Legend  
- Study Area  
- County Boundary  
- City Limits  
- Highways  
- Circulation Element Roadways  
  - Expressway (220' ROW)  
  - Urban Arterial (150' ROW)  
  - Arterial (128' ROW)  
  - Major (118' ROW)  
  - Mountain Arterial (110' ROW)  
  - Secondary (100' ROW)  
  - Collector (74' ROW)  

SOURCE: County of Riverside, 2003; Jacobs Engineering (11/2009)
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Travel Time
A Travel Time Analysis (VRPA Technologies, 2010) was conducted for the MCP project. The following assumptions were used to estimate existing and 2040 future travel times along the MCP corridor between I-215 and SR-79:

- For existing conditions, no planned improvements, an average travel speed of 10 mph was estimated based on LOS F conditions for an arterial street (Class II), using the Urban Streets methodology of the Highway Capacity Manual. If no roadway improvements are made in this corridor, LOS F is the expected operating condition in 2040.
- For existing conditions, with General Plan Circulation Element planned improvements, an average travel speed of 21 mph was estimated based on LOS D conditions for an arterial street (Class I), using the Urban Streets methodology of the Highway Capacity Manual. The assumption is that Riverside County (and cities along the corridor) will provide necessary widening to achieve LOS D operating conditions in order to meet the goals of their General Plan Circulation Elements.

The Travel Time Analysis concluded that under existing conditions and existing conditions with General Plan Circulation Element planned improvements, the travel time between I-215 and SR-79 in 2040 would be 93 minutes and 44 minutes, respectively.

Population/Traffic Forecast
The MCP project would link the existing and growing population centers of the city of Perris and the city of San Jacinto. The city of Perris is currently served by I-215 in a north-south direction and SR-74 in a west-east direction. The city of San Jacinto is served by SR-79 in a north-south direction but is not served by a major west-east facility. In addition to linking communities in western Riverside County, the MCP project would link I-215 and SR-79, thereby facilitating regional traffic movement by providing a west-east connection to these major north-south transportation facilities.

Traffic modeling for the MCP studies is based on full implementation of the adopted Riverside County General Plan (2003), as well as implementation of the General Plans for the surrounding cities, including planned land uses identified in the Land Use Element and planned transportation facilities identified in the Circulation Element. Transportation modeling based on the adopted Riverside County General
Plan (2003) land uses indicates that the LOS on west-east arterials will be degraded without implementation of the MCP project.

There is no established standard for the desirable distance between major transportation facilities, and there is currently a broad range of distances between the major west-east freeways as they intersect with I-215 in this area. For example, SR-91 and SR-60 are approximately 10 mi apart, SR-60 and I-10 are approximately 3.0 mi apart, and I-10 and State Route 210 (SR-210) are approximately 6.0 mi apart. SR-91 and State Route 78 (SR-78) (the closest west-east freeway south of SR-91 in southern Riverside County/northern San Diego County) are separated by approximately 62 mi. While SR-74 and State Route 76 (SR-76) (conventional highways located in San Diego, Orange, and Riverside Counties) provide some of the needed west-east capacity, they are limited by topographic and other constraints and will accommodate only limited additional growth in traffic. The MCP project is located approximately half-way between SR-74 and SR-60, or approximately 8 mi from each facility (see Figure 1.3.2, Freeways and Other State Highways).

The future transportation modeling for 2040 conducted for the MCP project included a base network that assumed the following: (1) implementation of the improvements included in the 2008 RTP for western Riverside County and Coachella Valley; and (2) implementation of the arterial roadway improvements included in the adopted Circulation Element of the Riverside County General Plan. The land use assumptions in the transportation demand model reflected the land use types and intensities included in the Land Use Element of the Riverside County General Plan.

**Capacity Needs**

SR-60 has three lanes in each direction from east of the I-215/SR-60 junction. The ability to expand capacity on SR-60 is severely restricted by existing development. Future capacity on parallel routes is also limited. Existing SR-74 has two to four lanes from Hemet to the I-15. The model assumes that SR-74 will be widened to eight lanes west of Ethanac Road. Even with planned expansion of both of these facilities, they will not be able to meet future west-east travel demand.

As discussed in Section 1.3.2.1, Ramona Expressway operates at unacceptable LOS both in 2010 and 2040. In addition, future traffic projections indicate all existing freeways will be operating at LOS F even with implementation of planned improvements as identified in the RTIP, Riverside County General Plan Circulation...
Element, the Measure A Expenditure Plan, and the implementation of transit “oases”\(^1\) as identified in the Riverside County General Plan. Traffic demand forecasts and modeling indicate that approximately 37 percent of the trips in the MCP corridor would be traveling the entire length of the corridor from I-215 to the SR-79/Sanderson Avenue area, indicating regional trips; 63 percent would travel within the corridor, indicating an origin and destination between the cities of Perris and San Jacinto. Based on this percentage of through trips, the MCP project is not only serving as a major arterial within the communities through which it passes, but also provides a vital regional transportation role by serving longer trip lengths. Based on traffic model results for the 2040 conditions (with no MCP), approximately 60 percent of the westbound peak hour traffic on Ramona Expressway south of Lake Perris is destined for Perris, unincorporated areas north of Perris, and Moreno Valley. The remaining 40 percent of westbound traffic has a directional split of approximately 16 percent northbound on I-215, 23 percent westbound on Cajalco Road, and 1 percent southbound on I-215.

To serve the projected travel demand in this area, there is a need to maximize the capacity of the MCP project by limiting access. Access limitation is used to restrict entry onto through traffic facilities to manage traffic congestion and improve traffic operational conditions. Access on Ramona Expressway is not restricted, with intersections (both signalized and unsignalized) and driveways providing multiple points of access along these existing roadways.

There is also a need for the MCP project to accommodate truck traffic, which will be integral to future job growth in the area. The 1982 STAA allows large trucks to operate on the Interstate system, the non-Interstate Federal-aid Primary System, and certain primary routes (collectively referred to as the National Network). Caltrans has identified roadway design standards to provide for safe transportation of regional truck traffic, including STAA vehicles. Roadway design to accommodate these trucks must accommodate turning movements characterized by the rear tires following a shorter tracking path than the front tires. Currently, I-215 and SR-79 north of the MCP study area and south of SR-74 are included in the STAA National Network. The

\(^1\) The transit oases concept is based on a system of locally served rubber-tired transit service (i.e., bus) to concentrations of employment, community activity, and residences in a manner that is linked with regional transportation opportunities.
existing Ramona Expressway currently does not meet STAA standards. The MCP project would provide another west-east link for goods movement if it is designed to meet STAA standards.

**Safety**

Summaries of the existing accident information for I-215 and Ramona Expressway are shown in Tables 1.3.A and 1.3.B, respectively. At some locations, accident rates on I-215 and Ramona Expressway exceed statewide averages. Some of the higher-than-expected accident rates are due to congestion and/or unsignalized intersections.

**Table 1.3.A Accident Data on I-215 – Harley Knox to Nuevo Road**

<table>
<thead>
<tr>
<th>Location</th>
<th>Facility</th>
<th>PM</th>
<th>Actual Accident Rates¹</th>
<th>Average Accident Rates¹</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-215: Harley Knox to Cajalco Expressway/ Ramona Expressway</td>
<td>NB</td>
<td>30.93–32.33</td>
<td>0.000 0.11 0.043</td>
<td>0.009 0.29 0.91</td>
<td></td>
</tr>
<tr>
<td>I-215: Cajalco Expressway/Ramona Expressway to Nuevo Road</td>
<td>SB</td>
<td>30.93–32.33</td>
<td>0.000 0.21 0.80</td>
<td>0.009 0.29 0.91</td>
<td></td>
</tr>
</tbody>
</table>

Source: Caltrans 2009.
¹ Accident rates based on total number of fatal and injury accidents, as reported in Caltrans accident reports. Accident rates for mainline segments are expressed in accidents per million vehicle miles. Accident rates for ramps are expressed in accidents per million vehicles.
Caltrans = California Department of Transportation
I-215 = Interstate 215
PM = Post Mile

**Table 1.3.B Summary of Accident History, Ramona Expressway, 2006 through 2008**

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Accident Category</th>
<th>Location</th>
<th>Fatality</th>
<th>Injury</th>
<th>Property Damage Only</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramona Expressway</td>
<td>Roadway Segment</td>
<td>Rider Street to Sanderson Avenue</td>
<td>6</td>
<td>60</td>
<td>62</td>
<td>128</td>
</tr>
<tr>
<td>Ramona Expressway</td>
<td>Roadway Segment</td>
<td>I-215 to Rider Street</td>
<td>4</td>
<td>40</td>
<td>78</td>
<td>122</td>
</tr>
</tbody>
</table>

Source: County of Riverside, 2009.
I-215 = Interstate 215

I-215 accident rates were compared to statewide averages for similar types of facilities. Two of the locations show actual accident rates below the average accident rates for similar facilities while two locations show actual accident rates above the average accident rates for similar facilities. Analysis of accidents for the locations with higher than average accident experience showed no obvious accident pattern.
(i.e., the accident rate was the result of low traffic levels combined with a few random accidents). The accidents would expect to be reduced with implementation of the MCP project.

For Ramona Expressway, Table 1.3.B indicates that the accident experience is typical of suburban and rural arterial roadways.

Overall, while accident rates are not noticeably different from other similar facilities, there are locations along the existing route (Ramona Expressway) where design features (such as curves and/or steep grades) and land use conflicts (including direct driveway access to the roadway) create conditions that could contribute to higher accident rates with the growth in traffic volumes on these two roadways. Further, it is not feasible to convert existing Ramona Expressway to a facility that meets Caltrans standards due to the roadway deficiencies discussed below. For these reasons, a need exists to establish an alternative transportation route that provides for limited access and is consistent with current State highway standards, thus resulting in an improvement in safety and a reduction in the potential for accidents.

1.3.2.2 Roadway Deficiencies (Ramona Expressway)
Existing Ramona Expressway forms the only existing, continuous west-east highway in the MCP study area. There are limitations related to design and capacity that restrict the ability of the existing roadways to meet future travel demand.

Operational
The existing Ramona Expressway design does not meet current Caltrans or Riverside County standards for major roadways. The 2006 Caltrans Highway Design Manual identifies key design standards that will be applied in the design of the MCP project. Application of the Caltrans design standards represents a conservative approach, since these standards meet or exceed the design standards for Riverside County roads. Also, even if the MCP project is not designated a State highway in the future, compliance with Caltrans design standards will be required at the interchanges with I-215 and SR-79. These standards include a design speed of 75 mph, a minimum curve radius of 3,000 feet (ft), and a maximum vertical grade of 6 percent. The existing roadway geometry does not meet Caltrans standards for 75 mph in several areas; therefore, widening the existing facility in these areas without redesign is not feasible. Existing Ramona Expressway includes six horizontal curves that do not meet Caltrans standards.
Currently, there are numerous direct access points (driveways and local roadways) onto Ramona Expressway. These numerous access points result in the potential for conflict that impedes traffic flow. Uncontrolled access points reduce the overall capacity of Ramona Expressway and increase the possibility of accidents. Hence, the need for identifying appropriate access points from the federal and State highway system, as well as from local streets, and providing local access to existing and future development through the use of frontage roads or other solutions is necessary to improving operational deficiencies and overall safety.

1.3.2.3 Social Demands or Economic Development

The MCP project was identified as a key west-east regional transportation corridor as a result of several years of comprehensive land use, habitat conservation, and transportation planning in Riverside County through the RCIP. Initiated in 1999, the RCIP was an unprecedented, multiyear planning effort to simultaneously prepare environmental, transportation, housing, and development guidelines for Riverside County for the first half of the 21st century. The purpose of the RCIP was to address the planning, environmental, and transportation issues that would result from the anticipated population growth in Riverside County. The RCIP included three components: (1) a new General Plan for Riverside County, adopted on October 2003; (2) an MSHCP for western Riverside County (approved by the County in June 2003 and by the United States Fish and Wildlife Service [USFWS] in June 2004); and (3) the CETAP through which the planning of four major transportation corridors was initiated, including what is now the MCP project. In addition, the RCIP Partnership Action Plan (September 2000) committed participating federal, State, and county governments to incorporate the western Riverside County Special Area Management Plan (SAMP) into all three RCIP planning efforts. The purpose of the SAMP is to provide for comprehensive aquatic resource protection and reasonable economic growth.

The Circulation Element of the 2003 Riverside County General Plan acknowledges the concurrent CETAP planning efforts to identify preferred west-east and north-south alternatives and preserve future right of way. The Circulation Element identifies Ramona Expressway as a future expressway of four to eight lanes.

The MCP project would fulfill the intent of the prior RCTC and County of Riverside actions with regard to the planning of the HCLE CETAP Corridor and is consistent with the intent of the Riverside County Circulation Element, which recognizes that the specific alignment decisions regarding the CETAP corridors may result in
appropriate amendments to the General Plan. The MCP project provides a west-east transportation facility to support the planned land use envisioned in the Riverside County General Plan, and is being planned and designed in a way to further the conservation goals of the western Riverside County MSHCP.

The MCP project is also consistent with the goals of the Riverside County General Plan (2003), which sets forth the need to incorporate future growth with transportation and multipurpose open space systems in areas that are well served by public facilities and services and preserve significant environmental features. The Riverside County General Plan also specifies the need to connect whole communities, which the MCP project would do by providing a linkage between the cities of Perris and San Jacinto with one west-east transportation facility.

1.3.2.4 Legislation

Executive Order

On September 18, 2002, President George W. Bush signed Executive Order (EO) 13274 for environmental stewardship and streamlining. This order required transportation and natural, cultural, and historical resource agencies to establish realistic timeframes on environmental transportation documents, and required the agencies to work together to provide efficient review of the documents while protecting the environment. CETAP, of which the MCP project is a part, was one of the first seven projects to be placed on the national priority list for review under EO 13274.

County

Riverside County voters approved Measure A in 1988. Measure A permits a half-cent sales tax program to be implemented to collect funding for transportation improvement projects in Riverside County. Measure A was set to expire in 2009; however, in 2002 voters approved a 30-year extension for the sales tax program to 2039. The MCP project is one transportation project being considered by the RCTC that may receive partial funding from Measure A.

The RCTC may initiate future legislation to designate the MCP as a State highway.

1.3.2.5 Modal Interrelationships and System Linkages

Modal Interrelationships

In addition to the rapid population growth in western Riverside County, the employment base is also increasing, particularly in intermodal goods distribution. Land planning and economic projections indicate that the Perris/Moreno Valley/
March Air Reserve Base area will serve as a major distribution hub for goods in the Inland Empire. ¹ This employment center will result in increased travel demand by commuters, as well as by trucks carrying goods in and out of the area. The MCP project is located within the future population and employment centers it would serve including the Perris/Moreno Valley/March Air Reserve Base area and San Jacinto (Figure 1.3.3, Jurisdictional Boundaries).

The location of the MCP project through the city of Perris offers an opportunity to create a linkage between the MCP project and two major planned transit projects (the Perris Valley Line [PVL] and Perris Multimodal Facility). The proposed PVL would provide commuter rail service from the city of Perris to the city of Riverside and areas west by extending existing service (Metrolink 91 Line) that links the city of Riverside with downtown Los Angeles via Fullerton. It is anticipated that the proposed PVL would connect with the Perris Multimodal Facility located in downtown Perris off C Street and would provide for connecting bus (including the Riverside Transit Agency) and rail (including Metrolink) service. The Perris Multimodal Facility is in close proximity to the MCP project. Six new stations have been identified for construction along the PVL, including the Ramona Station that is proposed to be located at Cajalco Road and I-215. By reducing travel time and traffic congestion in the MCP study area, the MCP project would help improve accessibility to stations serving the PVL.

**System Linkages**

For the last several decades, western Riverside County has served as a population center for commuters to jobs in Orange and Los Angeles counties, resulting in high levels of west-east travel demand. The major north-south transportation facilities in western Riverside County are I-215 and SR-79, and the major west-east transportation facilities are SR-91, SR-60, and SR-74. The SR-91/SR-60 corridor and SR-74 are 16 mi apart, with no other major west-east highway in between. The MCP project is located between the SR-91/SR-60 corridor and SR-74, and would provide another needed west-east corridor/connection to improve the regional transportation network and to meet future west-east travel demand.

¹ According to the Riverside County General Plan Land Use Element (2003), build out of the March Joint Powers Authority (JPA) Planning Area will account for 21.5 million square feet of commercial and industrial development and up to 38,000 jobs.
Figure 1.3.3

Jurisdictional Boundaries

Legend
- Study Area
- County Boundary
- Major Roads
- City Limits


I:\CV531\GIS_Final\EIS\Recirculated_Draft\Jurisdictional_Boundaries_8x11.mxd (5/27/2010)
Related Projects

Information concerning related projects provides contextual information for the MCP project and identifies how the transportation agencies have coordinated transportation planning efforts. There is a recognized need to ensure the MCP project will be implemented in a manner that is consistent with the programmed and planned improvements listed below. These related improvements are on facilities that represent future connections or are complementary to the MCP project.

The related transportation projects to the MCP project are depicted on Figure 1.3.4 and include:

- **Constructing SR-79 as a Four-Lane Expressway**: Constructing SR-79 as a four-lane expressway on a new alignment from Gilman Springs to Domenigoni Parkway, generally following an alignment west of Warren Road through the city of Hemet. This study is in progress by RCTC and Caltrans. Construction of initial phases is tentatively scheduled to begin in 2014.

- **SR-79 Widening**: SR-79 Interim Widening Project will improve SR-79 between Thompson Road and Domenigoni Parkway by extending slopes between Thompson Road and Abelia Street, widening a 5.4 mi segment of SR-79 from two to four lanes between Abelia Street and Domenigoni Parkway, installing a painted center median, and constructing turn lanes at intersections. The PA/ED phase of this project is expected to be complete in August 2010.

- **Widening of I-215**: RCTC plans to widen I-215 from Murrieta Hot Springs Road in Murrieta to the I-215/Box Springs Road interchange in Riverside. The project is divided into three segments (south, central, and north). The south segment would add one mixed-flow lane in each direction from Murrieta Hot Springs Road in Murrieta to Scott Road north of Murrieta. Construction for the south segment is planned for early 2011–early 2013. The central segment would also add one mixed-flow lane in each direction from Scott Road north of Murrieta to Nuevo Road in Perris. Construction for the central segment is planned for December 2012–December 2014. The north segment proposes to add one high-occupancy vehicle (HOV) lane in each direction from 1.3 mi south of Nuevo Road in Perris to 0.2 miles south of the I-215/Box Springs Road interchange in Riverside. The PA/ED phase of this segment has not been initiated. This project is programmed in RCTC’s Measure A Expenditure Plan.
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Related Transportation Improvement Projects

- **SR-91-CIP Pierce to Orange County Line**
  - Add 1 lane each direction

- **SR91/SR-71 Interchange Improvements**
  - Widen Perris Blvd (City of Perris project)

- **SR-91 Adams to I-215**
  - Add 1 lane each direction

- **SR-91/CIP**
  - Add 1 lane each direction from Pierce to Orange County Line

- **SR-60 Add truck climbing lane**
  - SR-60/91 to I-10

- **I-215/Cajalco Rd Interchange Project**
  - Riv. Co. project

- **Perris Valley Line (PVL) Commuter Rail Extension**
  - Including the Ramona Station at Cajalco Rd and I-215

- **I-215/SR-74 Interchange Project**
  - I-215 (central segment)
    - Add one lane each direction from Scott Rd to Nuevo Rd

- **SR-79 Widening between Thompson Road and Domenigoni Parkway (Riv. Co. Project)**
  - 4 lane expressway on a new route from the SR-79/Sanderan Ave junction to SR-79 Domenigoni Parkway (alignment to be determined)

- **SR-79 Bi-County HOV Lane Gap Closure**
  - SANBAG project

- **I-215 (north segment)**
  - Add one HOV lane each direction from Nuevo Rd to Box Springs Rd

- **Cajalco Road Improvements**
  - Riv. Co. project

- **SR-79 Widening between Thompson Road and Domenigoni Parkway**
  - Riv. Co. Project

- **I-215 (south segment)**
  - Add one lane in each direction from Murrieta Hot Springs Rd to Scott Rd

- **I-215 (central segment)**
  - Add one lane each direction from Scott Rd to Nuevo Rd

- **SR-79**
  - 4 lane expressway on a new route from the SR-79/Sanderan Ave junction to SR-79 Domenigoni Parkway (alignment to be determined)

- **SR-60 Add truck climbing lane**

- **I-215 (north segment)**
  - Add one HOV lane each direction from Nuevo Rd to Box Springs Rd

- **SR-79**
  - Widening between Thompson Road and Domenigoni Parkway (Riv. Co. Project)

- **I-215 (south segment)**
  - Add one lane in each direction from Murrieta Hot Springs Rd to Scott Rd

- **I-215 (north segment)**
  - Add one HOV lane each direction from Nuevo Rd to Box Springs Rd

- **Cajalco Road Improvements**
  - Riv. Co. project

- **SR-79**
  - Widening between Thompson Road and Domenigoni Parkway (Riv. Co. Project)

- **I-215 (central segment)**
  - Add one lane each direction from Scott Rd to Nuevo Rd

- **I-215 / Cactus Ave. Interchange Project**
  - City of Perris project

- **SR-91/CIP Pierce to Orange County Line**
  - Add 1 lane each direction
Chapter 1  Proposed Project

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Chapter 1  Proposed Project

- **I-215/SR-74 Interchange Improvement Project:** RCTC proposes construction of a new overcrossing structure to replace the existing SR-74 and I-215 interchange, as well as the reconfiguration of the 4th Street/Redlands Avenue intersection, widening of 4th Street (SR-74) between G Street and Redlands Avenue, widening of Redlands Avenue between I-215 and San Jacinto Avenue, and the construction of retaining walls and sound walls.

- **I-215/Cajalco Road Interchange Improvement Project:** The County of Riverside plans to improve the I-215/Cajalco Road interchange by widening the northbound and southbound off-ramps from two to three lanes, and widening Ramona Expressway between the northbound and southbound ramps to provide truck turning movements and accommodate one additional lane eastbound and westbound in the future.

- **I-215/Cactus Avenue Interchange Project:** The City of Moreno Valley plans to widen the I-215/Cactus interchange from three to six through lanes, widen the ramps from one lane to two to three lanes (entry ramps include HOV), and extend the northbound auxiliary lane between Alessandro Boulevard south to the Cactus Avenue northbound entry loop ramp.

- **I-215 Bi-County HOV Lane Gap Closure:** The San Bernardino Associated Governments (SANBAG) is working with RCTC and Caltrans to complete preliminary engineering and environmental studies to add an HOV lane in both directions on I-215 between San Bernardino and Riverside. This 7.5 mi (12.0 kilometers [km]) project extends from the Orange Show Road interchange in San Bernardino to the 60/91/215 interchange in Riverside and crosses the cities of Colton and Grand Terrace. Construction is expected to start by the end of 2012 and be completed by the end of 2014.

- **The Perris Valley Line (PVL):** The PVL is a 24 mi extension of the Metrolink 91 Line. The extension would begin at the existing Riverside-Downtown Station in the city of Riverside and proceed north on the Burlington Northern Santa Fe (BNSF) Line for approximately 3 mi before turning southeast along the San Jacinto Branch Line. The PVL terminus is in the city of Perris at SR-74 and Ethanac Road. The project will include four stations upon the initiation of service. Two additional stations will be added in the future, including the Ramona Station, which will be located at Cajalco Road, and I-215 in the MCP study area. The project is fully funded in the 2008 RTP through construction. Construction of the project is planned for 2011, and the project would be in operation by the end of 2012.
• **Cajalco Road Improvements:** The County of Riverside is currently in the planning stages to widen Cajalco Road from two lanes to four lanes between Harvill Avenue and Temescal Canyon Road. The project length is approximately 16 mi.

• **Perris Boulevard Improvements:** The City of Perris plans to widen Perris Boulevard from two to six lanes from Ramona Expressway to the Perris Valley Storm Drain.

• **SR-60 Truck-Climbing Lane:** Add one truck-climbing lane in the Badlands area east of Moreno Valley.

• **Widening of SR-91 from Adams to 60/91/215 Interchange:** Add one lane in each direction from Adams to the 60/91/215 interchange in Riverside. The PA/ED phase was completed in 2007 and construction is tentatively scheduled to be initiated in 2011.

• **Widening of SR-91 from Pierce Street to Orange County (SR-91 Corridor Improvement Project [CIP]):** Widen existing SR-91 to include HOV lanes or express lanes, and general-purpose (GP) lanes from the junction of the SR-91/State Route 241 (SR-241) interchange in the city of Anaheim in Orange County to Pierce Street in the city of Riverside in Riverside County. Construction is scheduled to begin in 2011 and be completed in 2016.

• **State Route 91/71 Interchange:** Improve the connection between SR-91 and State Route 71 (SR-71) by replacing the existing single-lane connection between eastbound SR-91 and northbound SR-71 with a new, two-lane, direct flyover ramp, in addition to building a new, separate eastbound road just south of and parallel to SR-91 to provide improved access between the Green River Road interchange and the SR-91/SR-71 interchange. Construction is planned to be completed by 2016.
July 15, 2010

Ms. Marie J. Petry
Senior Environmental Planner
State of California, Department of Transportation
District 8, Environmental Planning (MS 821)
464 West 4th Street, 6th Floor
San Bernardino, California  92401-1400

Dear Ms. Petry:

I am responding to your request for our formal response to the Mid-County Parkway (MCP) Project purpose and need statement pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Memorandum of Understanding (2006). Our goal is to reach mutual agreement on the NEPA purpose and need statement such that its phrasing is appropriate for defining the overall project purpose statement under the Section 404(b)(1) Guidelines (40 C.F.R. Part 230).

In our role as an official cooperating agency as well as part of our on-going regulatory pre-application consultation, the U.S. Army Corps of Engineers (Corps), Los Angeles District, offered verbal and written comments on previous draft versions of the purpose and need statement, which appear to have been satisfactorily incorporated and/or addressed. Based on the proposed purpose and need statement attached to your June 22, 2010 letter of request for our agreement/disagreement, the purpose statement is as follows:

“The purpose of the proposed action is to provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through Perris and San Jacinto.”

The Corps believes the aforementioned MCP Project purpose and need statement appropriately reflects the needs of the anticipated future applicant (i.e., Riverside County Transportation Commission) and that it will provide for a reasonable range of alternatives to be evaluated in the Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, including the 404(b)(1) alternatives analysis. Therefore, in accordance with the procedures stipulated in the 2006 MOU for the Purpose and Need Checkpoint, the Corps offers its agreement.
Should you have any questions or need additional information, please contact Ms. Susan A. Meyer, Senior Project Manager, of my staff at (808) 438-2137 or electronically at susan.a.meyer@usace.army.com. Assisting the regulated public is important to us, so your feedback and comments on your experience with our Regulatory Program office are appreciated. You are invited to complete our customer survey located at the following website: http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

Mark D. Cohen
Deputy Chief, Regulatory Division

CF:
Mr. Tay Dam, Federal Highway Administration
Ms. Cathy Bechtel, Riverside County Transportation Commission
Ms. Susan Sturges, U.S. Environmental Protection Agency, Region IX
Mr. Eric Raffini, U.S. Environmental Protection Agency, Region IX
Ms. Karin Cleary-Rose, U.S. Fish and Wildlife Service
Tay Dam  
Federal Highway Administration  
Los Angeles Metro Office  
888 S. Figueroa Street, Suite 1850  
Los Angeles, CA 90017

Dear Mr. Dam:

The U.S. Environmental Protection Agency (EPA) is writing in response to the California Department of Transportation (Caltrans) request of June 22, 2010 for “Agreement” on the Purpose and Need statement for the proposed Mid County Parkway (MCP) Project, Riverside County, California. The purpose of this letter is to express EPA’s “Agreement” with the revised Purpose and Need statement in accordance with the April 2006 National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects Memorandum of Understanding (NEPA/404 MOU).

Caltrans is preparing a Supplemental Draft Environmental Impact Statement (SDEIS) to improve west-east transportation in western Riverside County between Interstate 215 in the west and State Route (SR) 79 in the east. The previous DEIS examined a larger 32-mile corridor from SR 79 west to Interstate 15. EPA has coordinated with Caltrans, Riverside County Transportation Commission, as well as the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, in the development of the Purpose and Need statement during interagency meetings, and has also provided preliminary comments on a draft Purpose and Need statement in April 2010 and May 2010. We are pleased that the concerns of the federal regulatory agencies have been addressed through the NEPA/404 MOU coordination process. EPA agrees with the Purpose and Need statement as identified in the materials submitted to EPA on June 22, 2010.

Thank you for this opportunity to participate in the development of the MCP Purpose and Need statement. We look forward to continued participation in this project through the NEPA/404 MOU process and are available to answer questions. If you have any questions,
please feel free to contact Susan Sturges at 415-947-4188 (sturges.susan@epa.gov), the lead reviewer for this project.

Sincerely,

Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

CC: Marie Petry, California Department of Transportation
    Cathy Bechtel, Riverside County Transportation Commission

CC via email: Karin Cleary-Rose, U.S. Fish and Wildlife Service
             Susan Meyer, U.S. Army Corps of Engineers
             Scott Dawson, California Department of Fish and Game
             Rob McCann, LSA Associates, Inc.
United States Department of the Interior
FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-WRIV-08B0080-10TA0843

Ms. Marie J. Petry
Department of Transportation
District 8, Environmental Planning (MS 821)
464 West 4th Street, 6th Floor
San Bernardino, California 92401-1400

Re: Request for Comment on the Purpose and Need for the Mid County Parkway Project, Riverside County, California

Dear Ms. Petry

You have requested comments on the purpose and need for the Mid County Parkway (MCP) pursuant to the 2006 Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects (NEPA/404 MOU). The MCP is a major west-east transportation corridor between Interstate and 215 State Route 79 in western Riverside County. We received your request on June 24, 2010.

We have been participating in coordination meetings for the development of the project Purpose and Need. The Purpose and Need enclosed in your letter dated June 22, 2010, reflects the comments provided during coordination meetings and will provide for the inclusion of a reasonable range of alternatives in the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement. We have no further comments on the Purpose and Need for the MCP.

We look forward to future participation in the transportation planning process. If you have any questions about this letter, please contact Karin Cleary-Rose of this office at (760) 431-9440, extension 228.

Sincerely,

Kennon A. Corey
Assistant Field Supervisor

cc:
TayDam, FHWA
Cathy Bectel, RTC, Riverside CA
Susan Meyer, ACOE, Los Angeles CA
Ms. Marie Petry (FWS-WRIV-08B0078-10TA0843)

Susan Sturges, EPA, Region IX
Eric Rafini, EPA, Region IX
December 20, 2010

Mr. David J. Castanon
Chief, Regulatory Division
United States Army Corps of Engineers, Los Angeles District
911 Wilshire Boulevard
Los Angeles, CA 90017

Dear Mr. Castanon:

Request for Agreement on Modified Range of Alternatives for Mid County Parkway

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Small Working Group (SWG) have developed a modified set of alternatives for the MCP project (please refer to Attachments 1–5). Pursuant to the 2006 National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Memorandum of Understanding (MOU), and on the behalf of the transportation agencies, FHWA is requesting a formal “Agree/Disagree” response from your agency for the modified MCP set of alternatives.

In addition, FHWA, Caltrans, and RCTC request to use the evaluation criteria developed in 2004 and updated to analyze the modified set of alternatives to be studied in the Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, and to be used to develop a recommendation on the Least Environmentally Damaging Practicable Alternative (see Attachment 7 of this letter for a complete list of the criteria). This request is also consistent with provisions of Section III at number 5 of the 2006 NEPA/Clean Water Act Section 404 MOU.

"Caltrans improves mobility across California"
Mr. David J. Castanon  
December 20, 2010  
Page 2

We are requesting your agency’s written response within 30 calendar days, per the 2006 MOU. If you have any questions, please contact Tay Dam of FHWA at (213) 605-2013 or e-mail at tay.dam@dot.gov.

Sincerely,

[Signature]

MARIE J. PETRY  
Senior Environmental Planner  
Special Studies

cc: Tay Dam/FHWA  
Shawn Oliver/ FHWA  
Larry Vinzant/ FHWA  
Susan Meyer/USACE  
Cathy Bechtel/RCTC  
David Bricker/Caltrans District 8  
Nassim Elias/Caltrans District 8  
Marie Petry/Caltrans District 8  
Merideth Cann/Jacobs Engineering  
Rob McCann/LSA Associates, Inc.

Enclosures: Attachment 1: Background Information on the Mid County Parkway Alternatives  
Attachment 2: Initial Set of Mid County Parkway Alternatives (2004)  
Attachment 3: Refined Set of Mid County Parkway Alternatives (2005)  
Attachment 4: Modified Set of Mid County Parkway Alternatives (2010)  
Attachment 5: Map of the Modified Set of Mid County Parkway Build Alternatives  
Attachment 6: Map of the Comparison of Build Alternatives 4, 5, and 9 Modified (2010) to Build Alternatives 4, 5, 6, 7, and 9 (2005)  
Attachment 7: Evaluation Criteria for MCP Alternatives

“Caltrans improves mobility across California”
December 20, 2010

Ms. Connell Dunning  
United States Environmental Protection Agency Region 9  
Environmental Review Office  
75 Hawthorne Street (CED-2)  
San Francisco, CA 94105

Dear Ms. Dunning:

Request for Agreement on Modified Range of Alternatives for Mid County Parkway

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Small Working Group (SWG) have developed a modified set of alternatives for the MCP project (please refer to Attachments 1–5). Pursuant to the 2006 National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Memorandum of Understanding (MOU), and on the behalf of the transportation agencies, FHWA is requesting a formal “Agree/Disagree” response from your agency for the modified MCP set of alternatives.

In addition, FHWA, Caltrans, and RCTC request to use the evaluation criteria developed in 2004 and updated to analyze the modified set of alternatives to be studied in the Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, and to be used to develop a recommendation on the Least Environmentally Damaging Practicable Alternative (see Attachment 7 of this letter for a complete list of the criteria). This request is also consistent with provisions of Section III at number 5 of the 2006 NEPA/Clean Water Act Section 404 MOU.
We are requesting your agency’s written response within 30 calendar days, per the 2006 MOU. If you have any questions, please contact Tay Dam of FHWA at (213) 605-2013 or e-mail at tay.dam@dot.gov.

Sincerely,

[Signature]

MARIE J. PETRY
Senior Environmental Planner
Special Studies

cc: Tay Dam/FHWA
    Shawn Oliver/ FHWA
    Larry Vinzant/ FHWA
    Susan Meyer/USACE
    Cathy Bechtel/RCTC
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    Marie Petry/Caltrans District 8
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Attachment 7: Evaluation Criteria for MCP Alternatives

"Caltrans improves mobility across California"
December 20, 2010

Mr. Jim Bartel
Field Supervisor
United States Department of the Interior
Fish and Wildlife Service
Ecological Services
6010 Hidden Valley Road
Carlsbad, CA 92009

Dear Mr. Bartel:

Request for Agreement on Modified Range of Alternatives for Mid County Parkway

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Small Working Group (SWG) have developed a modified set of alternatives for the MCP project (please refer to Attachments 1–5). Pursuant to the 2006 National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Memorandum of Understanding (MOU), and on the behalf of the transportation agencies, FHWA is requesting a formal “Agree/Disagree” response from your agency for the modified MCP set of alternatives.

In addition, FHWA, Caltrans, and RCTC request to use the evaluation criteria developed in 2004 and updated to analyze the modified set of alternatives to be studied in the Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, and to be used to develop a recommendation on the Least Environmentally Damaging Practicable Alternative (see Attachment 7 of this letter for a complete list of the criteria). This request is also consistent with provisions of Section III at number 5 of the 2006 NEPA/Clean Water Act Section 404 MOU.

“Caltrans improves mobility across California”
Mr. Jim Bartel  
December 20, 2010  
Page 2

We are requesting your agency’s written response within 30 calendar days, per the 2006 MOU. If you have any questions, please contact Tay Dam of FHWA at (213) 605-2013 or e-mail at tay.dam@dot.gov.

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[Signature]

MARIE J. PETRY  
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“Caltrans improves mobility across California”
ATTACHMENT 1: BACKGROUND INFORMATION ON THE MID COUNTY PARKWAY ALTERNATIVES

In 2004, the initial set of Mid County Parkway (MCP) project alternatives was developed based on a constraints analysis conducted with a Geographic Information Systems (GIS) database and was reviewed with the Small Working Group (SWG) agencies at monthly meetings. The constraints database included considerations such as Waters of the U.S., sensitive biological habitat and species, Section 4(f) resource avoidance opportunities, engineering constraints, and potential community impacts. This initial set of alternatives is described in Attachment 2. In August 2004, Federal Highway Administration (FHWA) sent a request for preliminary concurrence for the initial set of alternatives to be carried forward in the environmental process. In November and December 2004, the United States Army Corps of Engineers (USACE) and United States Environmental Protection Agency (EPA) provided preliminary concurrence on the initial set of alternatives. A response letter from the United States Fish and Wildlife Service (USFWS) indicated their informal role of providing technical assistance when requested and that the agency would not be providing formal concurrences per the National Environmental Policy Act (NEPA) 404/Memorandum of Understanding (MOU).

After the Notice of Intent (NOI) and Notice of Preparation (NOP) were published in 2004, the California Department of Transportation (Caltrans) conducted a Value Analysis Study in April 2005 to determine whether there were additional alignment refinements that could more effectively and efficiently meet the project Purpose and Need. As a result of the Value Analysis Study, new information became available with regard to the practicability of some of the alternative alignments, as well as opportunities to further avoid or minimize adverse environmental impacts to existing habitat reserves, Section 404 aquatic resources, Section 4(f) properties, and existing communities. In addition, during this same period, the MCP engineering and environmental project team conducted engineering studies, environmental studies, field work, public scoping meetings, and traffic modeling for the MCP project. Based on these studies and analyses, the SWG considered and approved the refined set of alternatives to be evaluated in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The following summarizes the main changes from the initial set of alternatives identified in 2004 to the refined set of alternatives identified in 2005 (see Attachment 3 for a description of the revised set of alternatives):

- Eliminated the two alternatives (Alternatives 2 and 3) that included a parkway north of Lake Mathews due to engineering feasibility issues
- Rerouted a segment of Alternatives 4 and 6 away from the Perris Dam
- Renumbered Alternative 8 to Alternative 1B (No Action/No Project General Plan Circulation Element Conditions)
- Added Alternative 9, the Far South Alternative, which avoids the Metropolitan Water District of Southern California (Metropolitan) reserve lands established by the Lake Mathews Multiple Species Habitat Conservation Plan (MSHCP)

In October 2005, FHWA sent a follow-up request for preliminary concurrence on this revised set of Alternatives to be carried forward in the environmental process. In November and December 2005, FHWA received preliminary concurrence on the refined set of alternatives from the USACE and EPA.
A response letter from USFWS indicated their informal role of providing technical assistance when requested and that the agency would not be providing formal concurrences per the NEPA 404/MOU.

In 2007, draft technical studies were completed to analyze potential impacts of the refined set of alternatives and provided to the SWG agencies for their review. Based on the findings of these technical studies, FHWA requested final agreement on the refined set of alternatives to be carried forward in the Draft EIR/EIS for the MCP project, including the two No Build/No Action and five Build Alternatives. In November 2007, the USFWS again sent a letter stating that because they were not involved in developing the Purpose and Need for the MCP project, their agency would not be able to participate in a formal concurrence on the suite of alternatives. In December 2007, the USACE and EPA sent letters to FHWA indicating their final agreement on the refined set of alternatives to be evaluated in the EIR/EIS.

In October 2008, the Draft EIR/EIS for the MCP project was circulated for public review, with the close of the public comment period on January 8, 2009. Two key themes emerged in the public review comments: the cost and timing of available funds for the project and concerns about the impacts to rural communities and existing habitat reserves.

In Spring 2009, to address the concerns identified in public comments on the Draft EIR/EIS, Riverside County Transportation Commission (RCTC) as the lead agency under California Environmental Quality Act (CEQA), FHWA as the lead agency under NEPA, and Caltrans acting as an agent and providing oversight for the NEPA process, developed an approach for completing the EIR/EIS process for the project. This approach modified the MCP project limits from 32 miles (Interstate 15 [I-15] to State Route 79 [SR-79]) to 16 miles (Interstate 215 [I-215] to SR-79) in order to focus transportation funding where the need is the greatest, between I-215 to SR-79. On July 8, 2009, the RCTC Board formally took action to focus the MCP project between I-215 and SR-79 and to prepare a Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) for the modified project.

In early 2010, RCTC, FHWA, and Caltrans worked closely with the federal resource agencies to modify the project Purpose and Need to reflect the revised project limits. In June 2010, the USACE and EPA provided a formal “Agreement” response and USFWS provided a formal “No Comment” response on the modified MCP project Purpose and Need consistent with provisions of Section III at number 5 of the 2006 NEPA/Clean Water Act Section 404 MOU.

RCTC and the MCP project team has also worked closely with FHWA and Caltrans to develop a modified set of alternatives to be evaluated in the RDEIR/SDEIS in response to RCTC’s Board action in July 2009. The following summarizes the main changes from the refined set of alternatives evaluated in the Draft EIR/EIS and the modified set of alternatives to be evaluated in the RDEIR/SDEIS (also see Attachments 4, 5, and 6 for a description and map of the modified set of alternatives):

- **A.** Project limits for the build alternatives change to I-215 in the west and SR-79 in the east. The portion of the original alternatives (2005) west of I-215 is no longer under consideration.

- **B.** The horizontal alignment for Alternative 9 Modified through the City of Perris has shifted approximately 1000 feet north to avoid Paragon Park.

- **C.** Alternative 9 Modified would include a local interchange at Redlands Avenue to replace the local interchange previously proposed at Perris Boulevard.
D. Improvements to I-215 include the following: (1) the addition of one auxiliary lane between the MCP/I-215 systems interchange and the adjacent service interchange to the north and south to facilitate movement from the MCP and the I-215; (2) the addition of an operational/mixed flow lane from MCP to the Van Buren Boulevard Interchange to accommodate additional traffic on the I-215 as a result of the MCP; and (3) the addition of an operational/mixed-flow lane from Nuevo Road to Cajalco-Ramona Expressway to facilitate weaving on the I-215. Previous build alternatives (2005) included collector-distributor roads and realignment of I-215; these improvements are no longer under consideration.
<table>
<thead>
<tr>
<th>Alt. No.</th>
<th>Alt. Name</th>
<th>Description</th>
<th>Reason for Including/Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No Project/No Action</td>
<td>2035 traffic on planned street network except for Cajalco Road and Ramona Expressway, which would remain as they exist today</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>North Lake Mathews/North Perris Alternative</td>
<td>Provide an 8- to 10-lane controlled-access facility north of Lake Mathews and northerly alignment through Perris</td>
<td>Identified through initial planning, engineering studies, and agency input</td>
</tr>
<tr>
<td>3</td>
<td>North Lake Mathews/South Perris Alternative</td>
<td>Provide an 8- to 10-lane controlled-access facility north of Lake Mathews and southerly alignment through Perris</td>
<td>Identified through initial planning, engineering studies, and agency input</td>
</tr>
<tr>
<td>4</td>
<td>South Lake Mathews/North Perris Alternative</td>
<td>Provide an 8- to 10-lane controlled-access facility south of Lake Mathews and northerly alignment through Perris</td>
<td>Identified through initial planning, engineering studies, and agency input</td>
</tr>
<tr>
<td>5</td>
<td>South Lake Mathews/South Perris Alternative</td>
<td>Provide an 8- to 10-lane controlled-access facility south of Lake Mathews and southerly alignment through Perris</td>
<td>Identified through initial planning, engineering studies, and agency input</td>
</tr>
<tr>
<td>6</td>
<td>General Plan/North Perris Alternative</td>
<td>Implementation of arterial improvements included in General Plan, including a 6-lane expressway north of Lake Mathews and a 4-lane controlled access arterial south of Lake Mathews, west of El Sobrante Road, and an 8- to 10-lane controlled-access facility east of El Sobrante Road, with a northerly alignment through Perris</td>
<td>May meet Purpose and Need without requiring County MSHCP Amendments or impacting reserves beyond what was evaluated in General Plan</td>
</tr>
<tr>
<td>7</td>
<td>General Plan/South Perris Alternative</td>
<td>Implementation of arterial improvements included in General Plan, including a 6-lane expressway north of Lake Mathews and a 4-lane controlled access arterial south of Lake Mathews, west of El Sobrante Road, and an 8- to 10-lane controlled access facility east of El Sobrante Road, with a southerly alignment through Perris</td>
<td>May meet Purpose and Need without requiring County MSHCP Amendments or impacting reserves beyond what was evaluated in General Plan</td>
</tr>
<tr>
<td>8</td>
<td>General Plan Circulation Element Conditions</td>
<td>2035 traffic on the planned network according to the Circulation Element of the Riverside County General Plan</td>
<td></td>
</tr>
</tbody>
</table>

Alt. = Alternative
MSHCP = Multiple Species Habitat Conservation Plan
## ATTACHMENT 3: REFINED SET OF MID COUNTY PARKWAY ALTERNATIVES (2005)

<table>
<thead>
<tr>
<th>Alt. No.</th>
<th>Alt. Name</th>
<th>Description</th>
<th>Reason for Including/Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>No Project/No Action; Existing Ground Conditions</td>
<td>2035 traffic on the planned street network except for future improvements to Cajalco Road and Ramona Expressway, which would remain as they exist today</td>
<td>Identified through initial planning</td>
</tr>
<tr>
<td>1B</td>
<td>No Project/No Action; General Plan Circulation Element Conditions</td>
<td>2035 traffic levels on the planned street network, according to the Circulation Element of the Riverside County General Plan</td>
<td>Identified through initial planning and renumbered from Alternative 8 to Alternative 1B</td>
</tr>
<tr>
<td>4</td>
<td>South Lake Mathews/North Perris (Drain) Alternative</td>
<td>Provide a 6- to 8-lane controlled-access parkway located south of Lake Mathews that follows a northern alignment through the City of Perris, adjacent to the Perris Drain</td>
<td>Identified through initial planning and rerouted as a result of engineering feasibility issues identified in engineering studies and the Value Analysis study conducted by Caltrans in 2005</td>
</tr>
<tr>
<td>5</td>
<td>South Lake Mathews/ South Perris (Rider Street) Alternative</td>
<td>Provide a 6- to 8-lane controlled-access parkway located south of Lake Mathews that follows a southern alignment through the City of Perris along Rider Street</td>
<td>Identified through initial planning</td>
</tr>
<tr>
<td>6</td>
<td>General Plan/North Perris (Drain) Alternative</td>
<td>Implementation of General Plan Circulation Element improvements between I-15 and El Sobrante Road and a new 6- to 8-lane controlled-access parkway east of El Sobrante Road to SR-79. Includes a 4-lane urban arterial north of Lake Mathews, a 4-lane controlled-access expressway south of Lake Mathews, west of El Sobrante Road, and a 6- to 8-lane controlled access parkway east of El Sobrante Road. Alternative 6 follows a northern alignment through the City of Perris.</td>
<td>Identified through initial planning and rerouted as a result of engineering feasibility issues identified in engineering studies and the Value Analysis study conducted by Caltrans in 2005</td>
</tr>
<tr>
<td>7</td>
<td>General Plan/South Perris Alternative</td>
<td>Implementation of General Plan Circulation Element improvements between I-15 and El Sobrante Road and a new six- to eight-lane controlled-access parkway east of El Sobrante Road to SR-79. Includes a 4-lane urban arterial north of Lake Mathews, a 4-lane controlled-access expressway south of Lake Mathews, west of El Sobrante Road, and a 6- to 8-lane controlled access parkway east of El Sobrante Road. Alternative 6 follows a southern alignment through the City of Perris along Rider Street.</td>
<td>Identified through initial planning</td>
</tr>
<tr>
<td>9</td>
<td>Far South/Placentia Avenue Alternative</td>
<td>Provide a 4- to 6-lane controlled-access parkway south of both Lake Mathews and Mead Valley and a 6- to 8-lane controlled-access parkway between Old Elsinore Road and I-215 and a 6- to 8-lane controlled-access parkway between I-215 and SR-79</td>
<td>Identified in engineering studies and the Value Analysis study conducted by Caltrans in 2005 to avoid the Metropolitan Water District of Southern California Habitat Conservation Plan Reserve</td>
</tr>
</tbody>
</table>

Alt. = Alternative  
Caltrans = California Department of Transportation  
I-215 = Interstate 215  
SR-79 = State Route 79
## ATTACHMENT 4: MODIFIED SET OF MID COUNTY PARKWAY ALTERNATIVES (2010)

<table>
<thead>
<tr>
<th>Alt. No.</th>
<th>Alt. Name</th>
<th>Description</th>
<th>Reason for Including/Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>No Project/No Action; Existing Ground Conditions</td>
<td>2040 traffic on the planned street network except for Ramona Expressway, which would remain as it exists today</td>
<td>Identified through initial planning</td>
</tr>
<tr>
<td>1B</td>
<td>No Project/No Action; General Plan Circulation Element Conditions</td>
<td>2040 traffic levels on the planned street network, according to the Circulation Element of the Riverside County General Plan</td>
<td>Identified through initial planning</td>
</tr>
<tr>
<td>4</td>
<td>North Perris (Drain) Alternative</td>
<td>Provide a 6-lane controlled-access freeway between I-215 in the west and SR-79 in the east that follows a northern alignment through the city of Perris, adjacent to the Perris Drain.</td>
<td>Project limits modified in response to the concerns expressed during public review of the Draft EIR/EIS circulated October 2008 to January 2009</td>
</tr>
<tr>
<td>5</td>
<td>South Perris (Rider) Alternative</td>
<td>Provide a 6-lane controlled-access freeway between I-215 in the west and SR-79 in the east that follows an alignment through the City of Perris along Rider Street</td>
<td>Project limits modified in response to the concerns expressed during public review of the Draft EIR/EIS circulated October 2008 to January 2009</td>
</tr>
<tr>
<td>9</td>
<td>Placentia Avenue Alternative</td>
<td>Provide a 6-lane controlled-access freeway between I-215 in the west and SR-79 in the east that follows a southerly alignment through the City of Perris along Placentia Avenue</td>
<td>Project limits modified in response to the concerns expressed during public review of the Draft EIR/EIS circulated October 2008 to January 2009</td>
</tr>
</tbody>
</table>

Alt. = Alternative  
EIR = Environmental Impact Report  
EIS = Environmental Impact Statement  
I-215 = Interstate 215  
SR-79 = State Route 79
LEGEND

- Build Alternatives 4, 5, 9 Modified (2010)
- Portions of Build Alternatives 4, 5, 6, 7, 9 (2005) No Longer Under Consideration
- Refers to Referenced Text in Attachment 1 Background Information (pages 2 and 3)


Comparison of Build Alternatives 4, 5, and 9 Modified (2010) to Build Alternatives 4, 5, 6, 7, 9 (2005)

Attachment 6
ATTACHMENT 7:
MID COUNTY PARKWAY—EVALUATION CRITERIA FOR SELECTING THE PREFERRED ALTERNATIVE AND LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (PRE-DELIBERATIVE DRAFT)

INTRODUCTION
On July 8, 2009, the RCTC Board formally took action to refocus the Mid County Parkway (MCP) project between I-215 and SR-79. As a result of the RCTC’s Board action, a Recirculated Draft EIR/Supplemental Draft EIS is being prepared for the modified project. This document presents the evaluation criteria to be considered in the NEPA/CEQA review to aid in the selection of the Preferred Alternative and the Least Environmentally Damaging Practicable Alternative (LEDPA) for the modified Mid-County Parkway (MCP) project in western Riverside County, California.

Pursuant to the 2006 Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California (2006 NEPA/404 MOU), the evaluation criteria have been prepared for review and concurrence by the signatory agencies to the NEPA/404 MOU. The criteria are based on the original December 2004 criteria and have been updated to reflect the modified project. The criteria are described below followed by a brief discussion of how the criteria will be applied to assist the U.S. Army Corps of Engineers (Corps) with determining the LEDPA.

EVALUATION CRITERIA
The 2006 NEPA/404 MOU recommends that the checkpoint for the identification of the range of alternatives to be studied in the Draft EIS also include consideration of the criteria used to select and analyze the alternatives. For the MCP project, a draft evaluation matrix is provided in Attachment A. The criteria are presented in three broad categories, with specific criteria listed under each. These criteria would be applied in the evaluation of all of the modified MCP project alternatives.

I. Purpose and Need
Seven specific criteria make up the Purpose and Need criteria; these are taken directly from the approved Statement of Purpose and Need for the MCP project (June 2010) and are described below. An alternative’s ability to meet the project purpose and need is critical to determining whether an alternative is reasonable and practicable.

1. **Provide Capacity for 2040.** This criterion will measure whether the MCP alternatives provide capacity sufficient to meet 2040 traffic demand in the MCP study area. Metrics may include quantifying vehicle miles of travel, vehicle hours of delay, miles of congested arterials, and travel
time savings both within the MCP study area and at a regional scale for freeways and arterial highways.

2. **Serve regional movement of people and goods.** This criterion will evaluate how well an alternative carries through on long haul trips through the MCP study area, in addition to how well it serves major employment generators.

3. **Provide roadway geometrics to meet State highway design standards.** This criterion will evaluate the degree to which an alternative will meet or exceed State highway design standards. As a new transportation facility, the goal is to provide a design that meets or exceeds State highway design standards in order to provide a high level of traffic safety.

4. **Provide limited access facility.** This criterion will quantify the number of and spacing of access points along an alternative. This criterion will consider the “ultimate” condition of any of the Build Alternatives and would not measure the number of access points at an interim condition of phased implementation.

5. **Accommodate Surface Transportation Assistance Act (STAA) National Priority Network Trucks.** This criterion will measure the degree to which an alternative will either meet or exceed STAA truck requirements.

6. **Provide a facility that is compatible with a future multimodal transportation system.** This criterion will evaluate how well an alternative would accommodate future multimodal opportunities including but not limited to carpool lanes, commuter bikeways, express bus service, bus rapid transit, light rail, and high speed rail proposals currently under study in Southern California.

7. **Provide an effective and efficient connection between and through San Jacinto and Perris.** This criterion will evaluate whether an alternative effectively and efficiently provides a connection between and through San Jacinto and Perris (e.g., an alternative that is circuitous with too many access points would not meet this criterion as well as a more direct route with fewer access points). Effectiveness will be measured by looking at how well an alternative provides system linkages both for highways (e.g., I-215, and SR-79) and transit facilities (e.g., existing and proposed Metrolink stations). Other considerations include the number of congested intersections in 2040, the accident reduction potential (e.g., does the alternative eliminate known hazards along an alignment?), an alternative’s compatibility with the local circulation network (i.e., does it bisect local roads making local traffic movement less convenient?), and whether an alternative reduces regional trips on the local highway system.

### II. Reasonable and Practicable

The evaluation of alternatives must consider a reasonable range of options that could fulfill the project purpose and need. Reasonable alternatives are those that “are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant” (CEQ, 1981). An alternative is practicable if it: 1) meets the purpose and need; 2) is available and capable of being done (i.e., it can be accomplished within the financial resources that could reasonably be made available and it is feasible from the standpoint of technology and logistics); and, 3) will not create other unacceptable impacts such as severe operation or safety problems, or serious socioeconomic or environmental impacts.
Similarly, the evaluation of alternatives for purposes of the 404(b)(1) Guidelines must consider a reasonable range of practicable alternatives. Practicable is defined in regulation as “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes” (40 C.F.R. 230). Accordingly, the criteria listed below address whether an alternative is “reasonable” (NEPA) and “practicable” (Section 404 of the Clean Water Act [CWA]).

1. **Cost.** Since cost is a major component in the determination of whether an alternative is “reasonable” as well as “practicable,” this criterion addresses the total cost of each alternative including the costs of construction, right-of-way acquisition, environmental mitigation, and engineering/design. Each of these elements would include administrative costs and contingencies. Future ongoing operation and maintenance costs will also be considered.

   1.1 **Construction**
   1.2 **Right-of-Way Acquisition**
   1.3 **Mitigation**
   1.4 **Engineering/Design**

2. **Technological Constraints.** An example of technological constraints might be how the project is designed to be compatible with Metropolitan Water District facilities (e.g., Colorado River Aqueduct)—if, for example, there would be significant safety issues that technologically cannot be adequately addressed or overcome through state-of-the-art engineering methods, design, and/or construction practices or equipment.

   2.1 **Safety (Non Highway)**
   2.2 **Engineering Issues**

3. **Logistical Constraints.** Logistical constraints are those which entail construction methodologies or project features that render an alternative infeasible. Examples might be an alternative that involves long haul routes of borrow or fill material over two lane rural roads, or an alternative that conflicted with existing airport operations.

   3.1 **Specific parameter/criterion (as applicable)**
   3.2 **Specific parameter/criterion (as applicable)**

4. **Other NEPA/404 Criteria.** The NEPA/404 Guidance Paper (provided as an appendix to the 1994 NEPA/404 MOU) lists seven practicability constraints for the initial selection of alternatives. Four of these constraints (meeting purpose and need, cost, operational/safety problems, and logistical/technical constraints) are already reflected in the above criteria for the MCP project. Another is for consideration of demographics relative to transit projects and would not apply to the MCP project. The two other NEPA/404 criteria are listed below for consideration in determining the reasonableness of the MCP alternatives. These criteria would consider social, economic, environmental, or community impacts so severe that they would render an alternative unreasonable. In Section III (Environmental Impacts) below, similar environmental criteria are presented in order to highlight differences for the NEPA decision-makers between those alternatives that have been determined to be Reasonable and Practicable.

   4.1 **Unacceptable adverse social, economic, or environmental impacts.**
   4.2 **Serious community disruption**
III. Environmental Impacts

This category addresses a variety of environmental criteria, including those that are fundamental to the Section 404(b)(1) alternatives analysis and the determination of the LEDPA. Foremost, the 404(b)(1) Guidelines require that the practicable alternative that results in the least adverse impact to aquatic resources be selected unless this alternative would result in other significant adverse environmental impacts (40 C.F.R. 230.10(a)). In making this determination, deference is given to aquatic resources in that it is presumed that practicable alternatives exist that have less adverse impacts on special aquatic sites, and that all practicable alternatives that do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.

1. **Water Resources/Aquatic Ecosystem.** These criteria will assess the quantity of jurisdictional waters/wetlands (including vernal pools) directly impacted by each alternative, the functions and values affected, indirect effects to aquatic resources (e.g., adverse or beneficial effects to hydrology, water quality, and habitat), and cumulative impacts to aquatic resources. As required under the Section 404(b)(1) guidelines and pursuant to the 1990 Memorandum of Agreement between the Corps and EPA, impacts to the aquatic environment will be quantified and compared amongst the alternatives prior to compensatory mitigation. This criterion will also quantify acreages of affected 100-year floodplains. The number of beneficial uses impacted will be quantified and the impact to beneficial uses will be characterized. Finally, an assessment will be provided of each alternative’s ability to meet aquatic resource conservation goals of the proposed Special Area Management Plans (SAMP) for Western Riverside County.

2. **Threatened and Endangered Species.** This criterion will assess direct, indirect, and cumulative effects to threatened and endangered wildlife and plant species. Habitat fragmentation and effects on wildlife species movement will be assessed for each alternative.

3. **Plant Communities.** This criterion will assess each alternative’s effects on sensitive plant communities and habitat types in the study area.

4. **Effects on Existing Habitat Conservation Plans (HCPs).** This criterion will assess each alternative’s effects on the conservation goals of existing HCPs in the study area, including the Stephens Kangaroo Rat HCP.

5. **Western Riverside County MSHCP.** This criterion will assess an alternative’s consistency with the Western Riverside County MSHCP. The analysis will assess whether MSHCP conservation goals can be met for a given alternative. Part of this criterion will quantify the amount of mitigation acreage required and will then assess whether such mitigation acreage is available.

6. **Section 4(f) Properties.** Section 4(f) properties include public park and recreation lands, wildlife refuges, and historic sites on or eligible for listing on the National Register of Historic Places (National Register). This criterion will quantify the number of Section 4(f) resources affected by each alternative, including those affected by direct use (right-of-way acquisition) as well as constructive use (effects such as noise and visual impacts). Acreages will be quantified for resources such as existing wildlife refuges. Section 4(f) also applies to archaeological sites listed on or eligible for listing on the National Register that warrant preservation in place. Avoidance, minimization, and mitigation measures will be considered in the determination of which alternative causes the fewest impacts to Section 4(f) resources.

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1 Code of Federal Regulations, Title 23, Part 774.
7. **Section 6(f) Lands.** Direct impacts will be quantified for any impacts (acquisition) to Section 6(f) lands (these are lands that have been acquired or improved using grants through the Land and Water Conservation Fund Act).

8. **Cultural Resources.** In addition to cultural resources that are listed on or eligible for listing on the National Register, which will be addressed under the Section 4(f) criterion above, this criterion will quantify the total number of prehistoric and historic resources affected by each alternative. Adverse impacts will be described for each alternative. Potential impacts to sacred sites identified through Native American consultation will be evaluated.

9. **Land Use Impacts.** This criterion will quantify a number of different land use impacts including business/residential access impacts, and farmlands affected (including Prime, Unique, and Farmlands of Statewide/Local Importance). Consistency with General Plan Land Use Elements (for Riverside County and the cities of San Jacinto and Perris) will also be assessed under this criterion.

10. **Socioeconomic/Community Impacts.** This criterion will focus on several areas of concern to the local communities, including disruptions to existing travel patterns, community service disruptions (such as police, fire, emergency medical services), number of business/residential displacements, and neighborhood/community values impacts (i.e., will an alternative divide or disrupt an established neighborhood?). In addition, any environmental justice considerations (potential for disproportionate impacts to low income and/or minority communities) will be addressed under this criterion. Support of an alternative by the affected local jurisdictions, community groups, and the general public will also be noted for each alternative.

11. **Air Quality.** This criterion will measure differences in emissions between alternatives and note, which alternatives, if any, would result in emissions standards being exceeded.

12. **Noise.** These criteria will assess noise impacts to sensitive receptors along each alternative. The criterion will quantify both the number of receptors affected and the amount of noise mitigation required.

**CRITERIA APPLICATION**

The intent of the early identification and consistent application of the evaluation criteria is twofold: (1) to establish a transparent process for objectively selecting the Preferred Alternative/LEDPA, and (2) ensure that the process is compliant with all applicable laws and regulations. For the MCP project, the evaluation criteria have been identified and categorized to address the key decision points in the NEPA and Section 404 of the CWA processes. These broad categories of evaluation criteria are described above in Sections I through III and are presented in matrix form in Attachment A. The three categories are as follows: (1) Purpose and Need; (2) Reasonable and Practicable; and (3) Environmental Impacts. Alternatives would be subject to evaluation under Category III (Environmental Impacts) only after an alternative was determined to meet Purpose and Need and be Reasonable and Practicable.

All proposed alternatives would undergo a rigorous and equivalent analysis commensurate with the severity and extent of project impacts. The assumptions relating to on-site design variations, such as

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bridging, reduced cut-and-fill activity, lane or median widths, slopes, and retaining structures will be uniformly applied to all alternatives.

The federal CWA Section 404(b)(1) guidelines require that the practicable alternative that would involve the least adverse impact to aquatic resources be chosen unless this alternative would have other significant adverse environmental consequences (40 CFR 230.10(a)). Similarly, Section 4(f) (codified at 23 CFR 774) allows the transportation agency to reject an alternative as not feasible or prudent if “unacceptable adverse environmental impacts” would result (FHWA, November 15, 1989). Thus, both regulations allow the potential for other significant environmental impacts to override either protection of aquatic resources under Section 404 or preservation of public park and recreation lands, wildlife refuges, and historic sites under Section 4(f).

The NEPA/404 MOU Guidance Paper further notes that: “Sometimes the only practicable alternatives that are available would either fill aquatic resources or impact Section 4(f) resources. Thus, in some circumstances it may be necessary to accept impacts to one resource in order to avoid or minimize impacts to another resource. The alternatives analysis should reflect the equal consideration of Section 4(f) and Section 404 concerns when evaluating alternatives. However, this equal consideration may change depending upon specific project and community circumstances, and the magnitude of the impacts. The alternative that would result in the least overall environmental harm as determined through discussions with regulatory and resource agencies needs to be selected.” For the MCP project, the criteria presented above provide for this equal consideration of Section 4(f) and Section 404 concerns, while integrating the evaluation of other important environmental factors such as threatened/endangered species and the affected communities.
### Attachment A – Evaluation Criteria for the MCP Alternatives

<table>
<thead>
<tr>
<th>CRITERIA</th>
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</thead>
<tbody>
<tr>
<td><strong>I. PURPOSE AND NEED</strong></td>
</tr>
<tr>
<td>1. Provide capacity for 2040</td>
</tr>
<tr>
<td>2. Serve regional movement of people and goods</td>
</tr>
<tr>
<td>3. Provide roadway geometrics to meet State Highway design standards</td>
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<tr>
<td>4. Provide limited-access facility</td>
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<tr>
<td>5. Accommodate STAA trucks</td>
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<tr>
<td>6. Provide a facility that is compatible with a future multimodal transportation system</td>
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<tr>
<td>7. Provide an effective and efficient connection between and through San Jacinto and Perris</td>
</tr>
<tr>
<td><strong>II. REASONABLE AND PRACTICABLE</strong></td>
</tr>
<tr>
<td><strong>1. COST</strong></td>
</tr>
<tr>
<td>1.1 Construction</td>
</tr>
<tr>
<td>1.2 Right-of-Way Acquisition</td>
</tr>
<tr>
<td>1.4 Mitigation</td>
</tr>
<tr>
<td>1.3 Total (Construction, Mitigation, ROW)</td>
</tr>
<tr>
<td>1.5 Engineering/Design</td>
</tr>
<tr>
<td><strong>2. TECHNOLOGICAL CONSTRAINTS</strong></td>
</tr>
<tr>
<td>2.1 Safety (Non-Highway)</td>
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<tr>
<td>2.2 Engineering Issues</td>
</tr>
<tr>
<td><strong>3. LOGISTICAL CONSTRAINTS</strong></td>
</tr>
<tr>
<td>3.1 Logistical Constraints</td>
</tr>
<tr>
<td><strong>4. OTHER NEPA/404 CRITERIA</strong></td>
</tr>
<tr>
<td>4.1 Unacceptable Adverse Social, Economic, or Environmental Impacts</td>
</tr>
<tr>
<td>4.2 Serious Community Disruption</td>
</tr>
<tr>
<td><strong>III. ENVIRONMENTAL</strong></td>
</tr>
<tr>
<td><strong>1. WATER RESOURCES/AQUATIC ECOSYSTEM</strong></td>
</tr>
<tr>
<td>1.1 Jurisdictional Waters/Wetlands (Impacts to Waters of the U.S.) including vernal pools</td>
</tr>
<tr>
<td>1.1A. California Department of Fish and Game Riparian Area</td>
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<tr>
<td>1.2 Functions/Values Affected</td>
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<td>1.3 Consistent with SAMP goals</td>
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<tr>
<td>1.4 Floodplain Impacts</td>
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<tr>
<td>1.5 Beneficial Uses Affected</td>
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<tr>
<td>CRITERIA</td>
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</tr>
<tr>
<td>1.6 Water Quality Construction Impacts</td>
</tr>
<tr>
<td>1.7 Water Quality Permanent Impacts</td>
</tr>
<tr>
<td><strong>2. THREATENED AND ENDANGERED SPECIES</strong></td>
</tr>
<tr>
<td>2.1 Species/Populations Affected (Wildlife)</td>
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<tr>
<td>2.2 Species/Populations Affected (Plants)</td>
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<tr>
<td><strong>3. PLANT COMMUNITIES</strong></td>
</tr>
<tr>
<td>3.1 Sensitive Plant Communities Affected</td>
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<td><strong>4. EFFECTS ON EXISTING HCPS</strong></td>
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<td>4.1 SKR HCP AREAS</td>
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<td><strong>5. WESTERN RIVERSIDE COUNTY MSHCP</strong></td>
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<td>5.1 MSHCP Consistency Determination</td>
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<td>5.2 Conservation Goals Met</td>
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<td>5.3 Mitigation Acreage Required</td>
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<td>5.4 Mitigation Acreage Available</td>
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<td><strong>6. SECTION 4(f) RESOURCES</strong></td>
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<tr>
<td>6.1 Section 4(f) Resources - direct use</td>
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<td>6.2 Section 4(f) Resources - constructive use</td>
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<td><strong>7. SECTION 6(f) LANDS</strong></td>
</tr>
<tr>
<td>7.1 Section 6(f) Lands Affected</td>
</tr>
</tbody>
</table>
| **8. CULTURAL RESOURCES**  
(includes sites not eligible for National Register) |
| 8.1 Prehistoric Archaeological Resources |
| 8.2 Historic Archaeological/Architectural Resources |
| 8.3 Sacred Sites |
| **9. LAND USE IMPACTS** |
| 9.1 Business/Residential Access Impacts |
| 9.2 Consistency with General Plan Land Use Element |
| 9.2A. Cities of San Jacinto, Perris, & Corona |
| 9.2B. County of Riverside |
| 9.3 Farmland Impacts |
| **10. SOCIOECONOMIC/COMMUNITY IMPACTS** |
| 10.1 Business Displacements |
| 10.2 Residential Displacements |
| 10.3 Travel Pattern Disruptions |
### CRITERIA

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<tr>
<td>10.4</td>
<td>Environmental Justice Concerns</td>
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<td>10.5</td>
<td>Community Service Disruptions (EMS, fire, police)</td>
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<td>10.6</td>
<td>Neighborhood/Community Impacts</td>
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<td>10.7</td>
<td>Schools</td>
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<td>10.8</td>
<td>Support by Local Jurisdictions, Community Groups, and Public</td>
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#### 11. AIR QUALITY IMPACTS

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<tr>
<td>11.1</td>
<td>Criteria Pollutant Emissions in the MCP Region</td>
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<td>11.2</td>
<td>Exceedances of NAAQS Emission Standards</td>
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#### 12. NOISE IMPACTS

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<tbody>
<tr>
<td>12.1</td>
<td>Sensitive Receptors Affected</td>
</tr>
<tr>
<td>12.2</td>
<td>Amount of Mitigation Required</td>
</tr>
</tbody>
</table>

1. Construction cost includes mitigation costs for each alternative
2. Environmental Mitigation Costs include cost to purchase acreage for mitigation and combined wildlife crossing culverts
Shawn Oliver
Federal Highway Administration
650 Capitol Mall, #4-100
Sacramento, California 95814

Dear Mr. Oliver:

The U.S. Environmental Protection Agency (EPA) is writing in response to the December 20, 2010 California Department of Transportation (Caltrans) request for “Agreement” on the Modified Range of Alternatives for the Mid County Parkway (MCP) Project, Riverside County, California. The purpose of this letter is to express EPA’s “Agreement” with the Modified Range of Alternatives in accordance with the April 2006 National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects Memorandum of Understanding (NEPA/404 MOU).

Caltrans, on behalf of Federal Highway Administration (FHWA) the lead federal agency under NEPA, is preparing a Supplemental Draft Environmental Impact Statement (SDEIS) to improve west-east transportation in western Riverside County between Interstate 215 in the west and State Route (SR) 79 in the east. The original DEIS examined a larger 32-mile corridor from SR 79 west to Interstate 15. EPA has coordinated with Caltrans, Riverside County Transportation Commission, as well as the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, in the development and review of the Modified Range of Alternatives during interagency meetings. We are pleased that the comments of the federal regulatory agencies have been addressed through the NEPA/404 MOU coordination process. EPA agrees with the Modified Range of Alternatives as identified in the materials submitted to EPA on December 20, 2010.

Thank you for this opportunity to participate in the development of the MCP Range of Alternatives. We look forward to continued participation in this project through the NEPA/404 MOU process. If you have any questions, please feel free to contact Susan Sturges at 415-947-4188 (sturges.susan@epa.gov), the lead reviewer for this project.

Sincerely,

Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division
CC: Marie Petry, California Department of Transportation
    Cathy Bechtel, Riverside County Transportation Commission

CC via email: Karin Cleary-Rose, U.S. Fish and Wildlife Service
             Susan Meyer, U.S. Army Corps of Engineers
             Scott Dawson, California Department of Fish and Game
             Rob McCann, LSA Associates, Inc.
             John Chisholm, Caltrans District 11
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF: Regulatory Division

January 31, 2011

Ms. Marie J. Petry
Senior Environmental Planner
State of California, Department of Transportation
District 8, Environmental Planning (MS 821)
464 West 4th Street, 6th Floor
San Bernardino, California 92401-1400

Dear Ms. Petry:

I am responding to your request for the U.S. Army Corps of Engineers’ (Corps) agreement on the modified range of alternatives to be evaluated in the Mid-County Parkway (MCP) Project Draft Re-circulated Environmental Impact Report/Draft Supplemental Environmental Impact Statement (DREIR/DSEIS) pursuant to “Checkpoint B” in the National Environmental Policy Act/Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding (April 2006). Based on the information contained in Attachments 1 through 6 of your December 20, 2010 Checkpoint B correspondence, we agree with the modified set of alternatives, namely: Alternatives 1A, 1B, 4 Modified, 5 Modified and 9 Modified. This letter of agreement supersedes our December 14, 2007 letter of concurrence on the ‘refined’ set of MCP alternatives which had been evaluated in the 2008 Draft EIR/EIS before the MCP project was re-scoped and re-designed in 2009-10.

I am forwarding a copy of this correspondence to Mr. Tay Dam, Federal Highway Administration, Los Angeles Metro Office, 888 South Figueroa Street, Suite 1850, Los Angeles, CA 90017; Ms. Cathy Bechtel, Riverside County Transportation Commission, 4080 Lemon Street, 3rd Floor, Riverside, CA 92501; Ms. Susan Sturges, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; and Ms. Karin Cleary-Rose, U.S. Fish and Wildlife Service, Ecological Services, 6010 Hidden Valley Road, Suite 101, Carlsbad, CA 92011.

We look forward to our on-going participation in the MCP Small Working Group meetings and the opportunity to review a copy of the administrative draft REIR/SEIS when it becomes available. Should you have any questions or need additional information, please contact Ms. Susan A. Meyer, Senior Project Manager, of my staff at (808) 438-2137 or electronically at susan.a.meyer@uace.army.mil. Assisting the regulated public is important to us, so your feedback and comments on your experience with our Regulatory Program office are appreciated.
You are invited to complete our customer survey located at the following website: http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

[Signature]

Spencer D. MacNeil, D. Env.
Chief, Transportation and Special Projects Branch
Ms. Marie J. Petry  
Department of Transportation  
District 8, Environmental Planning (MS 821)  
464 West 4th Street, 6th Floor  
San Bernardino, California 92401-1400

Subject: Request for Agreement on the Modified Range of Alternatives for the Mid County Parkway Project, Riverside County, California

Dear Ms. Petry:

This letter responds to your request dated December 20, 2010, for formal agreement on the modified range of alternatives for the Mid County Parkway project pursuant to the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects (NEPA/404 MOU). By transmittal of this letter we provide our agreement with the range alternatives you have identified for analysis in the Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement. The modified set of alternatives included as Attachments 4 and 5 with your request.

Your letter also requests that the evaluation criteria developed in 2004 be used to identify the Least Environmentally Damaging Alternative. The 2004 criteria were included as Attachment 7 to your letter. We did not participate in the development of the evaluation criteria in 2004, but have no objection to the criteria presented. We do recommend that consistency with the Special Area Management Plan (SAMP) goals be removed from the evaluation criteria for Water Resources/Aquatic Ecosystem, because there is no SAMP in the San Jacinto Watershed at this time.

We appreciate the opportunity to participate in the transportation planning process and look forward to our continued coordination in these matters. If you have any question regarding this letter, please contact Karin Cleary-Rose of this office at (760) 431-9440 ext. 228.

Sincerely,

Kennon A. Corey  
Assistant Field Supervisor
Ms. Marie J. Petry (FWS-WRIV-08B0080-11TA0245)

cc:
Susan Myer, ACOE
Cathy Bechtel, RCTC
Tay Dam, FHWA
Shawn Oliver, FHWA
Larry Vinzant, FHWA
David Bricker, Caltrans District 8
Nassim Elias, Caltrans District 8
VIA E-MAIL and USPS

Mr. Gary Jones  
Assoc. Environmental Planner, Archaeologist  
Department of Transportation, District 8  
464 W. Fourth Street, 6th Floor  
San Bernardino, CA 92401-1400

Re: Pechanga Tribe Comments on the Draft Historic Property Survey Report (HPSR) for Mid-County Parkway Project (EA 0F320)

Dear Mr. Jones:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, “the Tribe”), a federally recognized Indian tribe and sovereign government. The Tribe formally requests to be notified and involved in the entire environmental review process for the duration of the above referenced project (the “Project”). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments 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 in numerous written communications and meetings. 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 incorporate them herein with our present comments as part of the record of approval. For convenience, copies of the prior and other letters are attached as Appendices.

CALTRANS MUST INCLUDE INVOLVEMENT OF AND CONSULTATION WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL REVIEW PROCESS

It has been the intent of the Federal Government\(^1\) and the State of California\(^2\) that Indian

\(^1\)See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with
tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. 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.

The Tribe appreciates the efforts of Caltrans, FHWA, RTC and LSA to meet with the Pechanga Tribe in a face-to-face consultation regarding the HPSR February 7, 2012. We believe it was a beneficial meeting in which we were able to share our concerns with the agencies and consultants involved as well as share our tribal knowledge specifically regarding this Project. This letter serves to memorialize that meeting and present the highlights discussed at that time.

**PECHANGA CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe’s, aboriginal territory as evidenced by the existence of Luiseño place names, tóota yiyelval (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe’s cultural ties to this area as well as extensive history with both this Project and other projects within the area.

D. L. True, C. W. Meighan, and Harvey Crew stated that the California archaeologist is blessed “with the fact that the nineteenth-century Indians of the state were direct descendants of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors.” Similarly, the Tribe knows that their ancestors lived in this land and that the Luiseño peoples still live in their traditional lands. While we agree that 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 Temééku (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

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Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

3 See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

(We-YOUUGHT). He was innately gifted with ayélkwish (ah-YELL-kwish) or knowledge, and he learned how to make the first food, tôovish (TOH-vish, white clay), to feed the Káamalam. It is said Wuyóot gave the people ceremonial songs when he lived at ‘éyva Teméeku.4 While the following creation account is a brief summary, it does demonstrate that the Luiseño people have knowledge of and are affiliated with the TVOL project area.

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 ‘éyva Teméeku and cremated. Wuyóot’s passing was the first death of the Káamalam and they were frightened by the event. 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.5 He likely flew over the Project area. After a Grand Council of the Káamalam, they dispersed from ‘éyva Teméeku, establishing villages and marking their territory. The first people also became the mountains, plants, animals and heavenly bodies. Songs called Monívol (moh-NEE-vull), 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.6

Tóota yixélval (rock art) is also an important element in the determination of Luiseño territorial boundaries. Tóota yixélval can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chains, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chains and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of tóota yixélval, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground

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5 Ibid.
6 Ibid, p.110.
indentations, or cupules. Many of these cupule boulders have been identified within a few miles of the Project. Additionally, according to historian Constance DuBois:

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 (1908:158).

Given the Tribe’s extensive knowledge of its own history, which if necessary, can be corroborated by ethnographic accounts, historical documents and archaeological research, the Tribe does not agree with the Archaeological Survey Report (ASR) which states that the Project area was primarily occupied by the Cahuilla. To date, the Pechanga Tribe has been forced to contend with as many as eight different representations of their Territorial Boundaries (See attached Confidential Appendix 1 in Villages of Lakeview Comments 6-18-09). Many years of internal research by the Tribe have resulted in the Boundary shown in blue as the actual territorial boundary as accepted by the Tribe. 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 Luiseno traditional territory have included the project area in their descriptions (Kroeber 19257; Drucker 19398; Heizer and Whipple 19519; Smith and Freers 199410). With the exception of Smith and Freers, these boundaries were determined from information provided to the ethnographers by Luiseno consultants. The boundary determinations were based upon multiple factors including language, village locations, oral tradition, personal beliefs, etc. Smith and Freers made their determination utilizing known rock art sources. The Pechanga Tribe bases the Luiseno territory boundary (as depicted in the Confidential Appendix) on descriptions communicated to the Pechanga people by our elders in combination with the sources indicated above, i.e. ethnographic and historic literature, published maps, etc.

COMMENTS ON THE ETHNOGRAPHIC SECTION OF THE ASR

The Tribe believes that the Ethnographic section in the ASR does not accurately reflect territory usage within the Project area. The Tribe’s Creation story maintains that the Luiseño people were created here and thus have always lived in this area. The Tribe argues that there is ample evidence that supports continuous Luiseño occupancy over other tribes which it has previously submitted in comments on the MCP, Villages of Lakeview and SR79 Projects. Our research and documentation demonstrates that this area was inhabited by the Luiseño, who may have shared Mystic Lake with the Serrano (research is ongoing); however, it is documented in both the ethnographic record and in Cahuilla bird songs that the Cahuilla did not inhabit this area until the mid to late 1800s. We have provided this research information as Appendices 1 through 4 and have highlighted additional points of concern below.

The use of specific ethnographic maps in the ASR without an adequate discussion of the alternative theories is problematic, especially in a case such as this where the Tribe has presented ample additional information regarding its assertion that the Project Area falls within Luiseño rather than Cahuilla territory. It is fairly common knowledge that ethnographers often change their tribal territory boundaries for each new study or publication based upon who their informants are/were. In this instance, the ASR cites Bean 1978 and Cahuilla stories on Takwish for the Project being traditionally Cahuilla territory without providing adequate justification for why these works were chosen over other equally reliable works that may have disagreed with this information. It is important to compare Bean’s earlier works such as his map in Bean and Saubel (1972), which clearly shows the Project area in Luiseño territory. The map in Bean’s 1972 work, which is almost identical to the Bean and Saubel map, also reflects the APE within Luiseño territory. Kroeber’s 1925 map and Strong’s 1929 map also supports the Tribe’s oral traditions that this is Luiseño territory.

Furthermore, the sole usage of Cahuilla Tahquizt stories is misleading as the Luiseño have extensive stories about Takwish as well. This is not a defendable argument and the Tribe believes it should not be used as support for claims of Cahuilla occupation.

TRIBAL COMMENTS ON THE HISTORIC PROPERTY SURVEY REPORT

As outlined above and in other comment letters, the proposed Project is on land that is within the traditional territory of the Pechanga Band of Luiseño Indians. The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe’s primary concerns stem from the fact that the Cultural Resources

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12 Bean and Saubel 1972, p. 8
13 Bean 1972 frontpiece
from the Project's proposed 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, communities or portions thereof, as well as sacred sites and archaeological items which would be displaced or destroyed by ground disturbing work on the Project. The Tribe is also concerned with 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.

The Tribe has received and reviewed the November 2011 Draft Historic Property Survey Report (HPSR) as submitted to us by Caltrans District 8. According to the HPSR and the Archaeological Survey Report (ASR), there are a total of five Native American sites located within the Direct APE (P-33-016598, -019862, -019863, -019864, and -019866). One site, P-33-003653 is immediately adjacent to the APE and will be protected and avoided with ESA fencing. Site -016598 has been determined eligible for the California Register of Historic Places (CRHP) and the National Register of Historic Resources (NRHR). This village is known to the Tribe as Paavo'. Portions of Paavo' have been previously excavated. The area that is slated for impact from the Mid-County Parkway Project (MCP) was determined by the archaeological consultants to be a non-contributing factor and was approved for destruction and as discussed further below, the Tribe continues to disagree with this assessment. The remaining five sites were evaluated and are considered to be ineligible for listing on any register.

**Paavo' P-33-016598**

First and foremost, the Tribe does not agree that the portion of P-33-016598 that is proposed for impacts by MCP is a 'non-contributing component' to the overall village site as was determined by LSA during the Villages of Lakeview Project. Because 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 traditional cultural area. Most recently, the Tribe took this position on the Villages of Lakeview Project. (See Appendix 2) Since the MCP Project will also impact the Paavo' site, the Tribe continues to take the same position here.

During the Phase II work, cultural items of a significant and ceremonial nature to Pechanga were uncovered which was not unexpected by the Tribe. "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 Villages of Lakeview Project 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 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.
Newly Recorded Cultural Resources (P-33-019862, -019863, -019864, -019866)

The Tribe also does not agree with the determinations made for the remaining cultural sites identified in the ASR that are within the MCP Project APE and in fact, is seriously concerned with the site specific approach taken in the archaeological documents. The Tribe has long advocated that archaeological work should look at the landscape as a whole. This means looking beyond what is only in the project APE, taking into account the landforms such as rock outcrops, canyons, fault lines and flat lands; natural resources such as waterways and plants; previously recorded archaeological sites as well as traditional tribal knowledge and known traditional named places.

For this Project, the ASR states that extensive research was conducted in an effort to identify previously recorded sites in a one mile radius of the APE and within its boundaries, as well as referencing historic maps, lists and databases; ethnographic literature; archaeological studies and site records. Additionally, “[a]pproximately 37,282 ac were encompassed by the MCP records search, and approximately 11,553 ac (31 percent) have been previously surveyed.” The Tribe questions why this data was not utilized since it appears the analysis for the cultural sites was limited to only those sites recorded within or immediately adjacent to the Direct APE.

Cultural sites cannot be viewed as a single event or a single location that is unrelated to any other site located near it or the landscape in which it sits. These sites are not isolated islands but a small part of a larger web of culturally related activities and events. For example, the ASR records four previously unidentified bedrock milling sites within the Bernasconi Hills area, south of Lake Perris (-019862, -019863, -019864, -09866). Because they are milling features with no associated surface artifacts, the sites were identified and analyzed individually, and thus were determined to be ineligible for the historic registers. The ASR should have used the information gathered during the research phase and take into account the over 40 previously recorded sites and individual artifacts within a one mile radius and their relationship to these four sites located within the APE. The Tribe believes if this had been done, the significance and eligibility determinations may have come out differently.

The Tribe understands that project funding may often be limited, thereby restricting the amount of archaeological research, testing and follow up necessary to provide a complete and accurate assessment of the presence of cultural resources on a given project site. This is a sad and unfortunate result of the current development and land use scheme in California. Thus, it is even more imperative that archaeological consultants and lead agencies meet and consult with Tribes who do have additional information about these vital resources. Tribes are the keepers of their own tribal knowledge and history and can fill in the unfortunate gaps which exist in current cultural resource management practices due to funding and other constraints. Additionally, to tie

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into the Tribe’s argument that a piecemeal analytical approach to the presence of resources only results in further destruction of cultural resources, direct construction impacts may not be proposed for sites located one mile from the APE; however, these conditions should not hamper an adequate landscape analysis required to properly evaluate cultural resources. There is sufficient data available in the records search and prior comments of the Tribe for the agencies to add into the ARS a more comprehensive and regional (or landscape) view of the sites in the area and how they relate to one another; and in turn, how they relate to the larger village complexes which are clearly present in and around the APE. Small sites that are proposed for impacts should not be analyzed in an isolated manner because ethnographic information provides evidence that Native American villages often extended five miles in area. Standard archaeological protocol generally utilizes a one-mile radius around a project or APE when conducting a records search. The ASR states that this radius was used and therefore, the information should be available to the Project’s archaeological consultants, in addition to the information presented by the Tribe. With this data and viewing the area at the “10,000 foot level,” it is obvious to the Tribe that the Bernasconi Hills area was a small habitation or community area, likely associated with Paavo’ to the east. As such, in order for the Project documents to adequately reflect the true nature of the resources affected by the Project and the impacts to those resources, a more thorough landscape analysis should be done. The data is there; it just needs to be utilized properly. The Tribe would be happy to assist the agencies in completing a thorough and accurate landscape analysis of the APE and adjacent areas.

Other Impacts to Cultural Resources

The Tribe is further concerned with the auditory and visual impacts, cumulative impacts and the growth-related or long-term impacts that the Project will have on these sites. These issues should be more adequately addressed in the DHPSR.

Auditory and Visual Impacts

The Tribe knows, and the ASR confirms, that there are numerous tóota yixélval located within a close proximity to the Project APE. The development of the proposed MCP will directly visually impact these resources. The sheer size of the MCP will be seen and heard for miles and will be a visual impediment to the scenic beauty of this region. It will further affect the natural quietness of the area. Because of the size, complexity and impact the MCP will have on the surrounding landscape, visual and auditory impacts to cultural resources should be thoroughly evaluated within the final document. The Pechanga Tribe requests further consultation on this issue to assist in such evaluation.

Cumulative Impacts

Cumulative impacts are also a major concern for the Tribe. The destruction of any “individual” cultural resource is detrimental to the whole cultural landscape and serves to further destroy the Tribe’s traditional ancestral places. Unfortunately, most of the traditional ancestral
places of the Tribe are on private and public lands which are constantly threatened by
development. The Tribe is not anti-development; however, we increasingly struggle with lead
agencies to protect and preserve our invaluable resources which continue to be destroyed and
impacted on nearly a daily basis. Improper recordation and analysis of features within a larger
community or habitation context allows for the piecemealing of sites and which can result in
improper eligibility determinations which leads ultimately to damage or destruction. While the
Tribe is aware that not all sites and cultural resources can be saved during development, it is
important to acknowledge in project documentation that these are not renewable resources and
thus the impairment or destruction of any site or resource IS a cumulative impact.

Additionally, with the proposed MCP project, the huge influx of vehicles will increase air
pollution. The smog and other pollutants build up on boulder outcrops. Very little research has
been conducted to determine the effects of air pollutants on boulder outcrops and rock art;
however, the Tribe knows that the constant exposure will erode the delicate pigments left on the
rocks. This kind of indirect and cumulative impact needs to be addressed in more detail in the
final document. We know that resources sensitive to these kinds of exposures are present within
and around the APE. As such, the document is inadequate in that it fails to assess and address
these kinds of impacts.

_Growth-Related Impacts_

Finally, the Tribe is concerned about growth-related impacts to this area and their effects
on cultural resources. We know that infrastructure development brings more residential and
commercial development. Development brings people, and if people are not educated or aware
of the importance of cultural resources, the resources will suffer through vandalism, looting,
graffiti or destruction. As stated above, there are numerous cultural resources that would be
impacted by future developments proposed adjacent to the MCP. Based upon the current
archaeological methodology, there is a high probability that these sites will be subjected to
site-by-site analysis and not viewed in their proper context. Because the MCP reports, including
all archaeological studies, will be submitted to the Eastern Information Center (EIC) – the
clearinghouse for such documents and the location archaeologists first go to for information, the
Tribe requests that FHWA and Caltrans set a precedent with the HPSR and the ASR and address
the sites in the vicinity of the MCP in order to assist future archaeologists and developers with
awareness, preservation and avoidance.

Furthermore, the Tribe requests to work closely with Caltrans to develop a long-term
strategy for better preservation of cultural resources located within the vicinity of the APE. For
example, the Tribe has worked on several projects in which prominent rock outcroppings were
preserved and avoided during construction activities. However, the Lead Agency did not
provide for any long term care and as families and development moved into these areas, the rock
outcroppings were subject to graffiti and the *tōta xįxėval* was permanently impacted. The
FHWA, Caltrans and the Tribe work diligently to preserve and avoid construction related
impacts to cultural resources. We request to also work together to preserve these resources by
planting native species, engineering walls or fences, developing community watch groups, or other methods that deter vandals.

**CONTINUED TRIBAL INVOLVEMENT**

The Tribe will continue to be involved and participate with the FHWA and Caltrans in assuring that adequate archaeological studies are completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project.

The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §15064.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5-10.2 and 5-10.3). Because of the extensive presence of the Tribe's ancestors within the Project area, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. As such, it is the position of the Pechanga Tribe that an agreement specifying appropriate treatment of inadvertent discoveries of cultural resources be executed between Caltrans, or the appropriate entity, and the Pechanga Tribe.

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures 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. This is addressed in the AEP however, 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. It is the position of the Pechanga Tribe that human remains must never be moved or other impacted, but rather, they should remain in their original resting place, undisturbed.

The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project’s impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe thanks the FHWA and Caltrans for the opportunity to review the Draft HPSR and we look forward to working together in protecting the invaluable Luiseño cultural resources found in the Project area. Please contact me at 951-770-8104 or at
ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we
might address the issues concerning the mitigation language. Thank you.

Sincerely,

[Signature]

Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Brenda Tomaras, Tomaras & Ogas, LLP
Stephanie Stoermer, FHWA
Gabrielle Duff, Caltrans
Terri Fulton, LSA Associates
Phil Fulton, LSA Associates
APPENDIX 1
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\(^1\) and the State of California\(^2\) 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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\(^1\) 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.

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-33-009730/016687, 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—quarry 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)\(^3\) 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’uua (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

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.

Glasgow (1985)\(^4\) 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\(^2\) 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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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 archaeologists 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 archaeologists 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 archaeologists 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 “piecemaking” 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). 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.

5 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 pāavawut, 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 pāavawut 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 sicks. 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

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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, RTC, 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 2
June 20, 2008

Mr. Brian Chinchilla  
Project Planner  
County of Riverside  
Planning Department  
4080 Lemon Street, 9th Floor  
Riverside, CA 92505

Re: Comments of the Pechanga Tribe of Luiseño Indians Concerning the Villages of Lakeview Draft Final Revised TVOL Report ("Mystic Paavo': Cultural Resources Survey and Evaluation of the Villages of Lakeview Specific Plan, Riverside County, California") and Currently Proposed Mitigation Measures for Cultural Resources Sites

Dear Mr. Chinchilla:

The Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, submits this letter concerning the above referenced Project. The Pechanga Tribe is in receipt and has reviewed the Mystic Paavo': Cultural Resources Survey and Evaluation of The Villages of Lakeview Specific Plan, Riverside County, California, revised draft final dated February 2008 (Specific Plan No. 342, General Plan Amendment No. 720) ("Revised TVOL Report"). The Pechanga Tribe has been participating in the archaeological survey process and tribal meetings held by the County and Developer since the inception of the project. Further, the Tribe has previously submitted comments on the Notice of Preparation for the Environmental Impact Report, as well as responded to the SB18 Consultation request.

Additional comments may be submitted separately. The Pechanga Band requests that this letter be included in the record of approval for the Project.

PECHANGA TRIBE'S 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.
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. In particular, the Revised TVOL Report notes that the style of rock art found on the Project site is specifically associated with the Luiseño Indians, in particular the San Luis Rey style. Throughout their broad work in the archaeological field, D.L. True and the Museum of Man's Ken Hedges extensively described the San Luis Rey I and II rock art style. As quoted in Smith and Freers book, True indicated that 'diamonds, zigzags, chevrons, straight lines found often in vertical series are generally associated with late prehistoric and historic Luiseño populations' (pg. 26).  

Further evidencing the connection between the San Luis Rey rock art style and Luiseno people are these descriptions of how the diamond chain pattern, which is uniquely San Luis style rock art, was incorporated into the Luiseño girls' ceremony. In 1892, Bureau of Ethnology anthropologist H.W. Henshaw compiled information on what was called the “Girls Ceremony.” He wrote: ‘that during the fourth new moon of the young girl’s puberty rite, diamond shaped marks were painted vertically on the cheeks of the girls faces’ (Smith & Freers, pg. 19). For Pechanga, the connection to the rock art images held a known meaning. J.P. Harrington would later cross-reference this same “face painting” information in his 1933 work entitled The Luiseño Girls Ceremony.  

It is no accident that the diamond chain rock art design occurs in our ancestor's discrete east-to-west waterways and village complexes. This diamond chain pattern is repeated at CA-RIV-61 in Mockingbird Canyon, CA-RIV-12 in south Lake Perris, CA-RIV-34 in Temescal Canyon and CA-RIV-393 at Lizard Shrine, which are all known to be Luiseno cultural areas. This four-sided geometric element is also echoed in preserved Luiseno basket designs, generally from late 19th century. The presence of this element can be identified in the San Jacinto, Salt Creek, and San Luis Rey River drainages, all located within known Luiseno territory.  

Among southern California rock art aficionados, a rock art element has emerged that has currently only been identified in the San Jacinto and Salt Creek Drainages called painted-cupules. Author and rock art specialist Steven Freers wrote: ‘the association of cupules at (these) and other sites suggests that this form of rock art may have been created as part of the boys’ puberty ceremony’ (Smith & Freers, 7). The Village of Táawilla, CA-RIV-333, “Dead Dog site” CA-RIV-202 near Payvi, and the Páavo RIV-393 cupule-cave at “Lizard Shrine” all exhibit painted-cupules, and are all Luiseno cultural areas. We surmise that archaeologists have mistaken the presence of pigment within the cupules for iron oxide—which often it is not. Like our Harrington place name research, for us it is no accident that we Luiseño continue to turn up the clues left to us by our Ancestor’s in their places. Given what we currently know, Pechanga is suggesting that these painted-cupules are also distinctly Luiseno.

1  Smith, Gerald and Steve Freers, 1994, Fading Images: Indian Pictographs of Western Riverside County, Riverside Museum Press, Riverside, CA
2  

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Moreover, today (in the early 21st Century), stands of the native plant jimson weed *datura metalaoides*, are found directly next to each of these painted-cupule features. The jimson would have needed to be present for the *toalache* (toe-law-chay), or Luiseno boys’ puberty ceremonial drink. Ethnographic research has yet to be compiled on this interesting feature within a cultural area, which only has been observed at Luiseño villages.

Further, even if the particular rock art is not definitively assigned to a particular time period, it can be used to identify land usage and tribal affiliation. Here, the Pechanga Tribe asserts that it is undisputed that the styles of rock art located on the Project area are specifically and uniquely assigned to the Luiseño tribes.

As is evident from the above discussion, the Pechanga Tribe has a wealth of cultural knowledge, supported by academic research, oral histories, songs, place names and art forms which both establish the Pechanga Tribe’s specific connection to the *Paavo* area, but also demonstrates a long-standing Luiseño presence in the area.

The Tribe further asserts that this culturally sensitive area is affiliated specifically with the Pechanga Band of Luiseño Indians because of the Tribe’s specific cultural ties to this area that we can further explain through continued consultations and comments. Pechanga considers any resources located on this Project property to be Pechanga cultural resources.

**PECHANGA DISPUTES THE SHOSHONEAN WEDGE THEORY AND THE ATTRIBUTION OF THE LUGO TESTIMONY TO THE CAHUILLA**

There are several statements within the Revised TVOL Report “Cultural Setting” and “Ethnography and Ethnohistory” chapters that are inconsistent with current research being conducted, and with which the Tribe disagrees.

**Cultural Setting**

Within the “Cultural Setting: Late Holocene” section, it is noted that there may have been an influx of Shoshonean People into the area approximately 1,500 years ago (Revised TVOL Report, 19). “The timing of the Shoshonan incursion is unclear, and it is unknown whether it took place as a single migration or multiple migrations over hundreds, or possibly thousands, of years” (*id*). The Tribe would like to point out that the “Shoshonean Wedge” theory is outdated and cannot be supported by current linguistic research.

Current linguistic evidence shows the break up of the Proto-Uto-Aztecan groups to be around 2,500 to 3,000 years before present. It is believed the Proto-Uto-Aztecan homeland was somewhere in northern Mexico, western Arizona and eastern southern California, not the Great Basin as previously surmised. Takic languages, of which Luiseño is part of, are estimated to be at least 2,500 years old. This suggests the Takic speakers moved into their present homelands

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3 Campbell 1997; Hill 2001
1,000 years before the Numic speakers were in the Great Basin. Archaeologists use the "Shoshonean Wedge" theory to describe the southern descending movement of the Takic speakers into southern California; however, linguistic evidence does not support this hypothesis and in actuality supports a northern ascension. This is also supported by our oral history which states that the Luiseño lived in the area prior to "Shoshonean" influence or others who migrated to the area.

Ethnohistory

Within the “Ethnography and Ethnohistory” section, the Revised TVOL Report maintains that Vicente Lugo and his wife were both Cahuillas from Soboba (Revised TVOL Report, 29). In actuality, Vicente Lugo was a Luiseño from “old” Pala who was a fluent speaker of Luiseño. He provided the Luiseño names of villages and points of interest on the place name trip he took with John P. Harrington around the Soboba, San Jacinto and Hemet areas (Harrington 3:119:431-435). Vicente also provided other Luiseño words on several pages of notes found elsewhere in Harrington’s collection; nowhere does he provide Cahuilla terms (reels 115, 116). He moved to Soboba in 1891. He married Luisa Leona at Soboba. Luisa was from Soboba and spoke Luiseño, Cahuilla, the Serrano dialect of Soboba and the Serrano dialect of Morongo (Harrington 3:115:264).

Vicente’s father, Leon Lugo, lived in the Pala valley (the old Pala village) and is buried in Pala cemetery. He died in 1885 before the allotments were assigned. Vicente said they lived on a “piece of land down below here (Pala) on the river bottom.” (Vicente Lugo testimony for the Estate of Marina Lugo, Deceased “Old Pala” allottee No. 5, National Archives, Record Group 75, Pala Agency, Box 11, Folder 26828 Pala 1913). Vicente’s mother was Soledad Nolish and she was from San Luis Rey. (Encarnaciona Lugo Ardilla testimony for the Estate of Marina Lugo, Deceased “Old Pala” allottee No. 5, National Archives, Record Group 75, Pala Agency, Box 11, Folder 26828 Pala 1913). Vicente’s father’s brother (uncle) was Geronimo Lugo who also lived in the old Pala village. One of Geronimo’s sons was Eustaquio Lugo who lived at San Juan Capistrano for many years, but was also a fluent speaker of Luiseño. Eustaquio and his wife were some of Harrington’s main consultants. Further, there is strong evidence that Vicente’s great-grandfather, Pablo Lubaquish, was of a clan associated with Aguanga, a known Luiseño area. It is important to note that the Tribe previously raised these same issues with Mr. Lerch of SRI prior to the revisions of the archaeological report.

The Pechanga Tribe believes that there is ample linguistic and archaeological evidence to support its assertion of affiliation to the Project area. Further, it is Pechanga’s position that the Revised TVOL Report is incorrect in implying that there is evidence to support a Cahuilla occupation of the area. This is addressed further in the attached confidential appendix.
TRIBAL CONSULTATION REQUIREMENTS

A. THE COUNTY MUST CONSULT WITH THE PECHANGA TRIBE REGARDING THE PROJECT

It has been the intent of the Federal Government and the State of California 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. Therefore, in order to comply with CEQA, Section 106, and other applicable Federal and California law, it is imperative that the County and the Developer 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 continue to be consulted on the Project impacts and mitigation.

B. SECTION 106 CONSULTATION REQUIREMENTS

The requirements of Section 106 of the NHPA, set forth in 36 CFR Part 800, clearly require 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.

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

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4 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.

review process, which includes all archeological assessments and testing, as well as devising appropriate mitigation. As such, Pechanga is requesting to be included in developing appropriate mitigation for the protection of the sites within the Project. The Tribe also requests that such mitigation takes into account the Tribe’s preferences and customs concerning treatment of archeological/cultural resources.

COMMENTS ON REVISED TVOL ARCHEOLOGICAL REPORT

While it is the Tribe’s belief that every archeological/cultural site is significant or important regardless of size or component, the Tribe understands applicable cultural resources protection laws and always strives to work together with the consulting archaeologist and Lead Agency to both adequately investigate and evaluate cultural resources on a project site and to determine appropriate mitigation for all archeological/cultural sites. The Tribe strives to assure that such mitigation not only complies with applicable laws, but honors and takes into account the Tribe’s practices and preferences for cultural resources protection.

A total of thirty-one (31) sites were identified within the Project boundaries during the Phase I Survey; nineteen (19) of those are considered prehistoric. During the current excavation program, eighty-four (84) trenches and eleven (11) hand units were excavated for “the purpose of establishing the boundaries of known sites and testing for potential buried sites and site components.” (Revised TVOL Report, pg. xix). Of these nineteen (19) sites, five (5) individual sites were combined into one (CA-RIV-8712) and a total of five (5) sites are recommended as eligible for the National Register of Historic Places (NRHP) (CA-RIV-397, -806, -1842, -4155 & 8712).

The Revised TVOL Report states that the level of research documented in this report is that of an Extended Phase I. Although this report concludes with eligibility recommendations (the endpoint of Phase II), and these satisfy the public reporting requirements of CEQA, the extent of trenching and hand excavation was not sufficient to allow complete planning of Phase III requirements.” (Revised TVOL Report, pg. xix). The Tribe asserts that an eligibility conclusion cannot be determined from an Extended Phase I Program (XPI).

It was the Tribe’s understanding that the excavations conducted on the sites within the TVOL project were solely to determine site boundaries and presence/absence of subsurface resources, of which the information would then be utilized to determine the probable extent of impact by the proposed development. It appears, instead, that the excavations were used for eligibility determination, rather than boundaries. This may have been done because tribes requested as little disturbance as possible. However, the Tribe believes that this is a misinterpretation of the tribes’ wishes. The Tribe is not advocating for more excavation, but rather the appropriate type of excavation. Without this, it looks as if the XPI is an unnecessary middle step that actually results in more disturbances to the sites than just the traditional method of Phase II archeological testing because additional testing will now likely be necessary to complete the assessment and/or mitigation. The Pechanga Tribe believes that the XPI phase would not have been necessary with a precise and coordinated Phase II Program that identified
boundaries as well as eligibility and/or significance. Further, within the Revised TVOL Report, eligibility determinations were provided for sites that did not have any excavations conducted near the surface features (CA-RIV-394, -4156, -8703, -8704, -8705, -8706 and -8711). With the production of a comprehensive Phase II plan, the extensive number of trenches and hand units (95 total) could have included all impacted sites, not selected ones. It is important note that it appears that there are several sites (RIV-8703, -8706 and -4156) within the Project boundaries that can easily be avoided by placing them in the immediately adjacent open space areas. The Tribe does not recommend a Phase II Program be conducted on those sites, but that they be preserved.

With regard to the overall cultural and archeological analysis for this Project thus far, the Tribe disagrees with the methodology of assessing each archeological and cultural site separately. The Tribe asserts 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.

Within the Paavo’ area, the concentrations of resources away from the main area may be culturally defined. Our ancestors gave accounts through oral traditions of a legend of a powerful pāavawut, 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 pāavawut gave our ancestors a healthy respect for an immediate distance from the water.

Additionally, almost all of the sites recorded consist of food processing areas that appear to be located near water sources and at an elevation of approximately 1600 ±40 feet AMSL (excepting RIV-8711 which is at ~1760, but is immediately adjacent to a blue-line drainage). This is more than sheer coincidence. Analyzed from a cultural and scientific viewpoint, this can provide answers to settlement patterns, subsistence activities and/or regional interaction of the aboriginal inhabitants.

The Tribe asserts that all the prehistoric sites included in this study are socioeconomically and spatially related to each other and should be addressed as such; consequently resulting in a determination of significant for all “prehistoric” sites.

Furthermore, 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 Revised TVOL Report 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 again, and moreover, will add to the total significance of the cultural complex, as explained above.
PROJECT IMPACTS TO CULTURAL RESOURCES
AND CULTURALLY APPROPRIATE MITIGATION

The Pechanga Tribe is not opposed to this development Project. The Pechanga Tribe’s primary concerns stem from the Project’s impacts on Native American cultural resources. The Pechanga Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as the Luiseño villages sites and other archaeological items which would be displaced by ground-disturbing work on the project, 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 the County is aware, the Pechanga Tribe involves itself in these matters because its contributions and knowledge of the natural/cultural resources is not couched in the archeological or scientific importance of the resources, but in the cultural and sociological significance of the sites and places. The Pechanga Tribe contends that despite a lack of surface artifacts, subsurface sites and artifacts may be found throughout the development of this entire Project. As such, we request that the County take into account the Pechanga Tribe’s cultural view of any such resources.

The Pechanga Tribe contends that the Project area contains highly significant sites which were created by the Tribe’s ancestors. The Revised TVOL Report notes that at least five of the sites on the Project are both NRHP and CRHR eligible. Further, according to the Revised TVOL Report, these sites retain integrity of location, setting, feeling and association as well as being in situ (i.e., they had not been redeposited). (Revised TVOL Report, pgs. 238, 244.) The Tribe disagrees with the findings of ineligibility for sites CA-RIV-4156, -8703 and -8706.

The Report indicates that fourteen (14) sites are ineligible. Of these, eight (8) will be placed into open space (-2585, -8698, -8699, -8700, -8702, -8704, -8705 and -8711), which the Tribe agrees with. For these sites, the Tribe does not recommend further excavations, but requests that the sites be addressed in the overall management plan for long-term care. Three (3) sites have been extensively disturbed (-394, -4158 and -8707), and the Tribe is in agreement with the proposed mitigation, although it is important to note that these sites are part of the overall prehistoric use area and should be addressed as such within the document. The Tribe objects to the proposed recommendations for the remaining three (3) sites (RIV-8703, -8706 and -4156). According to the Revised TVOL Report, no excavations were conducted within the boundaries of any of these sites, yet they were deemed ineligible. According to the Conceptual Land Use Diagram provided to the tribes, these sites are located directly adjacent to the designated Open Space area. Therefore, the Tribe recommends that these three sites should be placed within the Open Space area with an adequate buffer for preservation.

With respect to those five (5) sites found as eligible, at least three (3) of these sites will be subject to some impact from the ground disturbing activities. Site CA-RIV-1842, according to the Revised TVOL Report (pg. 255), will likely be destroyed by grading activities. The Tribe does not agree with this recommendation and believes that preservation and avoidance of RIV-1842 is the best option as this site is an important component to the overall integrity of the prehistoric use of the area and has been deemed significant per NRHP and CRHR criteria. The
Tribe recommends that the site should be placed entirely in the proposed Open Space area with an adequate buffer to be determined once site boundaries have been identified. According to the Revised TVOL Report and the map on page D-9, only the western boundaries have been tested. Therefore, additional testing should be proposed for the remaining sides in a written plan, produced in consultation with the Pechanga Tribe, and monitored by a representative of the Tribe.

It is the Tribe’s understanding that site CA-RIV-397 will suffer impacts. While the outcrop containing the rock shelter and rock art will be left in open space, the recommendation is to leave only a 25 foot buffer around the outcropping, thus subjecting any subsurface resources to direct impacts. The Tribe recommends that the entire site should be placed within the Open Space area, including the subsurface resources identified within trenches 25 and 26, and all other reasonably known subsurface resources. The Revised TVOL Report indicates that the midden extends to the west and north of the rock feature. In order to fully encompass the site, the buffer should be extended north and west, allowing a larger buffer around this area to ensure that no additional subsurface resources are impacted. Further, the Tribe requests that no additional excavations occur at this site as the current level of exploration is acceptable to set the site buffer.

Finally, while a large portion of site CA-RIV-8712 will be preserved in open space, portions of the site are slated for destruction. This is proposed despite the fact that the Revised TVOL Report (pg. 243) notes that the greatest potential for buried cultural materials is in the CA-RIV-8712 area. 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. 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 same position on the Mid-County Parkway Project. Since the TVOL Project will also impact Paavo’, the Tribe continues to take the same position here. 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 Revised TVOL report indicates that excavations have occurred over much of the site during the current project, the Mid-County Parkway and the Inland Feeder Projects (pg. 51). The Tribe recommends that no further excavations should occur within the site boundaries. A significant amount of scientific data and cultural artifacts have already been recovered from the site, including the knowledge that burials are present, and additional excavations can only destroy the site more. Further, the Revised TVOL Report indicates that a Phase II Program would need to be implemented so that a Phase III Program could be conducted (pg. 7). The Tribe disagrees and again, asserts our recommendation that the entire site should be avoided.

Additionally, while the recommendations note that the closest development to the significant rock shelter/rock art feature, the Lizard Shrine, would be 575 feet away, the report also notes that the toe of slope may require some grading for the purpose of ensuring proper drainage (Revised TVOL Report, pg. 253). The Tribe will need more detailed information as to
where and what type of grading is anticipated in order to determine the actual impacts to the site and an adequate buffer.

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. 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, and the Tribe, again, objects to this methodology.

As the County is aware, the Pechanga Tribe involves itself in these matters because its contributions and knowledge of the natural/cultural resources is not couched in the archeological or scientific importance of the resources, but in the cultural and sociological significance of the sites and places. The Pechanga Tribe contends that even if there is a lack of surface artifacts, subsurface resources or artifacts at certain sites that the entire cultural complex located on the Project area is culturally significant to the Tribe and should be deemed eligible in its entirety. As such, we request that the County take into account the Pechanga Tribe’s cultural view of any such resources.

The Pechanga Tribe looks forward to working together with the County, the Developer, the Project Archaeologist and other interested agencies towards a mitigation program that balances the interests of all interested parties and fulfills applicable tribal consultation requirements. If you have any questions, please do not hesitate to contact me at (951) 676-2768, Ext. 2137 or Anna Hoover, Cultural Analyst at (951) 308-9295. Thank you.

Sincerely,

Laura Miranda
Deputy General Counsel

Cc:  Leslie Mouriquand, Riverside County Archaeologist  
Lewis Operating Corporation  
Brenda Tomaras, Tomaras & Ogas, LLP  
Mike Lerch, SRI
June 18, 2009

Mr. Matt Straite
Project Planner
County of Riverside TLMA/Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92502

Re: Comments by the Pechanga Tribe of Luiseño Indians Concerning the Mystic Paavo’ Archaeological Study Conducted for The Villages of Lakeview Draft Environmental Impact Report No. 471, SSH No. 2006071095, February 2009, Specific Plan No. 342, Change of Zone No. 07055, General Plan Amendment No. 720 & 721

Dear Mr. Straite:

This correspondence is submitted by the Pechanga Band of Luiseño Indians (hereinafter, “the Tribe”), a federally recognized Indian tribe and sovereign tribal government, in response to the Mystic Paavo’ archaeological report prepared for the above referenced The Villages of Lakeview Project (TVOL), as part of our continuing consultation pursuant to applicable federal, state and local laws. The Tribe requests to continue its consultation with the County of Riverside concerning the environmental impacts on the Project.

The Pechanga (peh-CHONG-gah) Tribe has been the consulting tribe on several projects in the vicinity of the proposed Project and has specific knowledge of culturally sensitive and sacred places within and near the proposed Project. As will be demonstrated below using linguistics, oral traditions and ethnographic accounts, the Tribe asserts that the Project property is located within Luiseño ancestral territory and the Tribe is culturally affiliated with the geographic area. Additionally, within the Project and surrounding vicinity, place names, tóota yixélval (TOH-ta yi-HEL-vah)-rock art, and an extensive artifact record have been identified and associated with the Luiseño People. It is because of this knowledge that the Tribe has a specific cultural and legal interest in the TVOL project. Pechanga considers any resources located on this Project property to be Luiseño cultural resources.

We request that this correspondence be part of the official record for the approval of this Project.

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need
PECHANGA CULTURAL AFFILIATION TO THE PROJECT AREA

D. L. True, C. W. Meighan, and Harvey Crew\(^1\) stated that the California archaeologist is blessed “with the fact that the nineteenth-century Indians of the state were direct descendants of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors.” Similarly, the Tribe knows that their ancestors lived in this land and that the Luiseño peoples still live in their traditional lands. While we agree that 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-YOUGHT). He was innately gifted with ayélkwish (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.\(^2\) While the following creation account is a brief summary, it does demonstrate that the Luiseño people have knowledge of and are affiliated with the TVOL project area.

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 and they were frightened by the event. 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.\(^3\) 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 Monivol (moh-NEE-vull), 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.\(^4\)

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3 Ibid.
PECHANGA TERRITORY BOUNDARY

The Tribe disagrees with ethnographic territory as discussed and accepted in the Mystic Paavo’ Report for The Villages of Lakeview Project by Statistical Research, Inc.⁵ (hereinafter, the Paavo’ report). The following discussion is intended to clarify the Tribe’s Territory determination.

To date, the Pechanga Tribe has had to contend with as many as eight different representations of their Territorial Boundaries (Confidential Appendix 1). Many years of internal research have resulted in the Boundary shown in blue as the preferred Boundary recommended by the Tribe. 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 1925⁶; Drucker 1939⁷; Heizer and Whipple 1951⁸; Smith and Freers 1994⁹). With the exception of Smith and Freers, these boundaries were determined from information provided to the ethnographers by Luiseño consultants. The boundary determinations were based upon multiple factors including language, village locations, oral tradition, personal beliefs, etc. Smith and Freers made their determination utilizing known rock art sources. The Pechanga Tribe bases the Luiseño territory boundary (as depicted in the Confidential Appendix) on descriptions communicated to the Pechanga people by our elders in combination with the sources indicated above, i.e. ethnographic and historic literature, published maps, etc.

CULTURAL LANDSCAPES MUST BE PROPERLY ADDRESSED AND INTERPRETED

In addition to problematic territory boundaries as defined by ethnographers and anthropologists, the Tribe finds the discussion in the Paavo’ report in the Cultural Landscape Section to be just as problematic. True and Waugh (1982)¹⁰ pointed out that

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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 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) used ethnographic data to describe the Luiseño Indians’ settlement pattern as consisting of permanent villages of 75 to 200 people 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. It has also been suggested ethnographically that frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. Expanding on Kroeber and Heizer’s general description, True and Waugh\(^\text{11}\) described Luiseño settlement patterns as;

\begin{quote}
The bipolar settlement pattern of the San Luis Rey was represented by relatively permanent and stable villages (both winter and summer), inhabited by several groups exploiting well-established territories and resources that were defended against trespass (we follow Flannery [1976:164] in using “village as a generic term for any small permanent community”), they saw this as a result of a reasonably long process of adaptation during which several strategic changes take place in settlement location patterns and in procedures for collecting resources. These strategic changes included a “trend toward the congregation of people along the major tributaries, with each tributary and its immediate environs occupied and exploited by a family-based kin group of some kind.
\end{quote}

Of great importance to the Luiseño people is how this would look on the landscape. For example, during his visit to Luiseño settlements in the La Jolla region in 1901, Merriam noted that “in many cases the Indians have great masses of tuna, 10-20 feet high, about or near their adobe houses” which “are not near together but scattered about, usually 1/8 or 1/4 of a mile apart and on a cleared place surrounded by chaparral.”\(^\text{12}\) Luiseño settlement patterns have also been described ethnographically by Sparkman\(^\text{13}\) and Strong\(^\text{14}\) as sedentary and territorial, with the extended families residing

\(^\text{11}\) True and Waugh 1982, p. 35
\(^\text{12}\) Merriam, C. Hart. Studies of California Indians. The Staff of the Department of Anthropology of the University of California, eds. Berkeley: University of California Press. 1955
in villages with individual living areas separated anywhere from ¼ of a mile to ½ a mile apart. The proposal that a village footprint covers an expansive area, with each family having its own milling feature is supported by Bean when he argues that “homes were located some distance apart to provide privacy for families, if terrain permitted.” 15 Bean and Smith also suggest that “a village might occupy three to five square miles.” 16 While Oxendine’s 17 dissertation is often cited when discussing late prehistoric village attributes and locations, little has been done to expand on her definition of a village footprint. The idea that villages could cover an expansive area is supported by *Archaeological Investigations at Molpa, San Diego County, California*. Here, True et al. 18 suggest that the larger outcrops containing multiple milling features are community milling areas and that each group or family within the community had its own specific milling boulder. In other words “each group then had its milling area and each family woman had her mortar or group of milling elements.” To support this claim, True et al. gives the following example: The milling stones located at Silver Crest (Palomar Mountain State Park) belonging to the adjacent Pauma Village were identified by Max Peters as the property of a specific family. Each family had its own “place” and each mortar hole belonged to a particular “lady.” “If the pattern at Molpa in protohistoric times followed that of the adjacent Pauma Village, it is likely that these “holes” were passed down from mother to daughter and were used until they became too deep to be functional.” 19 Thus there is support for the Tribe’s assertion that each milling feature signifies an integral portion of the much larger village present at the site.

**PECHANGA COMMENTS ON THE VILLAGES OF LAKEVIEW MYSTIC PAAVO’ REPORT**

**CULTURAL SETTING: Prehistory (p 16-21)**

While our Creation story maintains that the Luiseño people were created and thus have always lived in this area, Luiseño history is not discussed until the late Holocene section of the *Paavo*’ report. On pages 19 through 21, the authors move back and forth from a discussion on what they term the ‘Shoshonean intrusion of Takic speakers’, noting “Late Holocene cultures in southern California reflect both in situ cultural adaptations in response to environmental changes as well as outside influences from the apparent influx of Shoshonean (Takic-speaking) populations from the desert regions.” They then argue “as with the earlier periods, cultural distinctions are often blurry and based on subtle

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17 Oxendine, Joan. *The Luiseño Village During the Late Prehistoric Era*. Ph.D. Dissertation, University of California, Riverside, 1983
18 True et al 1974 p. 43
19 Ibid 1974 p. 43
differences,” and eventually discussing the “ethnographic Cupan [Luiseño, Cupeño, and Cahuilla] as representing a fairly recent Uto-Aztecan intrusion. This reference to a recent intrusion is made after noting “that it is unclear whether it took place as a single migration or multiple migrations over hundreds, or possibly thousands, of years.”

Archaeologists often utilize various theories to try to explain the ethnographic history of an area. For instance, the Tribe has found it is common to use San Luis Rey I and II as cultural adaptations which are associated with the San Luis Rey Mission Indians and the Numic spread and/or the Shoshonean intrusion. The Tribe would like to point out that Shoshonean is a language within the Numic family of languages and is directly associated with the Great Basin area of California and Nevada. The Luiseño language belongs to the Takic family of languages and is generally associated with the southwest and Northern Mexico. While both the Numic and Takic families of language belong to the greater grouping of Uto-Aztecan languages they are separate and distinct families, as are the languages in each family. As pointed out above and argued below, misinterpretation of these associations often lead to misrepresentation of Luiseño Territory and life ways.

In the Project area, the authors argue for desert-cultural influences during the late-historic period represented by the San Luis Rey culture. The authors support this argument and cite Meighan (1954) and True (1966, 1974 and 1991) stating the San Luis Rey culture is equated with the historically known Luiseño. The San Luis Rey culture is commonly subdivided into two phases: San Luis Rey I (A.D. 1400-1750) and San Luis Rey II (A.D. 1750-1850) based on the absence or presence of ceramics, cremation urns and rock paintings and generally associated with the Shoshonean intrusion and/or wedge theory. The archaeological theory of the Shoshonean intrusion and/or wedge is problematic at best as the Cupan Takic speakers do not speak Shoshonean—the Shoshonean language is categorized as part of the Numic branch of Uto-Aztecan which is located in the Great Basin and is considered by linguists to be younger than the Takic languages. In addition, Sutton (2009) has suggested that the Cupan speaking people may have arrived in this area as early as 3000 BP. Using San Luis Rey I and II to argue for a recent intrusion of a separate Shoshonean Cultural Tradition directly contradicts the information provided in the Paavo’ report as well as the original authors of these theories.

**CULTURAL SETTING: Ethnography and Ethnohistory (p 21-26)**

Some of the conclusions in the Paavo report are based on linguistic analysis we find to be inaccurate, as discussed within. We acknowledge the ethnographic information for the area that includes TVOL is scarce; however there is ample evidence that supports Luiseño occupancy over other tribes which will be provided in the following pages.

The use of certain ethnographic maps in the Paavo report is problematic, especially when ethnographers often change their tribal territory boundaries for each new
study or publication. For example, the map in Bean and Saubel\textsuperscript{20} (1972), which was not referenced in the Paavo report, clearly shows the Project area in Luiseño territory (see Figure 1).\textsuperscript{21} The map in Bean’s 1972 work\textsuperscript{22}, which is almost identical to the Bean and Saubel map, is referenced in the Paavo report, but prefaced with a statement indicating it was adapted from work conducted by A.L. Kroeber.\textsuperscript{23} On this map, the Project area is labeled “tribal occupancy unclear.”\textsuperscript{24} However, in 1978, six years later, Bean’s\textsuperscript{25} Cahuilla territory map is greatly altered from the earlier studies and extends the tribal boundary into what was previously associated with the Luiseño. SRI also notes that “the project area is remarkably devoid of [Cahuilla] place names.”\textsuperscript{26} Upon reviewing Bean’s 1978 map, it shows Cahuilla territory extending north and west to Riverside. However, the entire area west of the San Jacinto Mountains on Bean’s 1978 map is indeed lacking Cahuilla place names demonstrating a lack of support for Bean’s revision.\textsuperscript{27} All the Cahuilla locations which exhibit names on the map are in the Cabazon Valley, east of the Santa Rosa Mountains and east of Palomar Mountain. The places named in the northwest region of Cahuilla territory, which the Luiseño believe to be their territory, share the same locational names (Figure 2).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure1.png}
\caption{Bean 1972, front piece.}
\end{figure}

\textsuperscript{21} Bean and Saubel 1972, p. 8
\textsuperscript{22} Bean 1972 frontispiece
\textsuperscript{23} Kroeber 1923.
\textsuperscript{24} Bean 1972
\textsuperscript{26} Lerch and Cannon 2008, p. 22
\textsuperscript{27} Bean 1978, p. 576
Figure 2: Bean and Saubel, 1972, p. 8. Note on both of these maps, Luiseño territory is much larger than depicted on the Luiseno and Cahuilla map in Bean 1978.

Bean 1978, p. 576. Note the highlighted area was part of Luiseño territory in Bean 1972 and Bean and Saubel 1972 and is devoid of Cahuilla place names.
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It is noted that both of Bean’s maps created in 1972 are clearly adapted from
Kroeber, however SRI supplements the lack of Cahuilla place names on the Bean 1978
map with ethnographic information from Francisco Patencio’s Stories and Legends of the
Palm Springs Indians. Several of Patencio’s stories are referenced as providing
information that would “[support] Bean’s interpretation that the project area is in Cahuilla
territory.” However, upon review of Patencio’s stories, they are accounts of the First
People and their travels, of which several appear to be part of the Cahuilla Bird Song
repertoire. The story “Some of the Early People” is about the First People who flew to
particular mountains, named them, and then their descendants settled in the Santa Rosa
Mountains and San Felipie Valley, which is located southeast of Los Coyotes
Reservation. The Luiseño also have names for these mountains, but they do not claim
they are in their territory. “Essel I huit” is about a man who is traveling from the north
and passes through “Moreno country”, “Hemet Point”, and arrives at a village at “the end
of the Santa Rosa range...the place of the Mo moh pechem people” where he slays the sky
animal, To quasso hot and from there he travels on to Imperial Valley.

In the migration story “Yellow Body, Head Man of Moreno”, it is said that he lived “in the west
side of Deep Canyon with his people, and called the place Pan ox su, which was the
name of the tribe”; however, he sent his family to live at Santa Rosa Mountain and, as
the story goes, he went to the “desert on the other side of the mountain in which were
settled many people, and lived there among them.” This story is similar to the
Acjachemen (Juaneno) migration account, even though the Acjachemen territory is a
hundred miles from the Cahuilla in the area of San Juan Capistrano. Their first leader left
the village of Sejat, which is in Gabriélino territory and is a known Gabriélino village,
and relocated to a place they named Putuvium. The Acjachemen today recognize Sejat
as a Gabriélino place and do not claim any ties to that area, even though their creation
story says they originated from that location. In other words, even though the story
speaks to traveling through a particular area, it does not mean that the tribe claims that
area and it’s aboriginal territory.

Furthermore, the Paavo’ report also refers to other versions of Patencio’s stories
which were recorded later with Catherine Sauvel (see also Saubel). Two in particular,
“Kunwaxmal and the Lizards” and “Kunwaxmal and the Yanginga’am Lizards” are said to
discuss the Project area, however, both of these stories do not provide any geographic
cues to pinpoint the location of the home of the yanginga’am lizards. Another account
told by Sauvel entitled “Mystic Lake” is interpreted in the Paavo’ report as a description

28 Kroeber 1925.
29 Patencio, Francisco. Stories and Legends of the Palm Springs Indians. Privately Printed, Caroline S.
Snyder, Palm Springs, 1943.
31 Patencio 1943, p.33-34.
32 Patencio 1943, p.35-37.
35 Sauvel, Catherine S. and Eric Elliott. ’Istil Héqsaw Wáxish: A Dried Coyote’s Tail. Malki Museum
of "the study area as being within Cahuilla territory and also relates that Mystic Lake and the Lakeview area had a Cahuilla name;" however, upon reviewing this story, Sauvel does not state the area is Cahuilla territory, but only that the Cahuilla have a name for the lake.\textsuperscript{35} As noted previously, simply naming a location in a story does not mean it is being claimed as part of the tribe's territory. Therefore, the stories discussed above do not necessarily support the conclusion that the project area is Cahuilla territory as proposed in the \textit{Pāavo'} report.

The \textit{Pāavo'} report later states "the project area was occupied by the Luiseño" on Kroeber's map\textsuperscript{37}, which is then refuted with ethnographic studies conducted five decades later by Raymond White, who concluded the Luiseño movement into Soboba and Aguanga "occurred sometime after 1800.\textsuperscript{38} However, White acknowledges that his studies were not superior to Kroeber's by stating:

"The changes herein described and subscribed to with great caution cannot in any way detract from the pioneer studies of Kroeber. Improved transportation has permitted a better examination of the natural features of terrain, and some additional critical studies of the remnants of the Luiseño have been made. Nevertheless, none of the boundaries described can be considered hard and fast. Kroeber himself in 1925 (p. 616) noted that the opportunity to prepare an exact map had passed away fifty years before. Thus no criticism can be implied; at best only 'corrections' can be offered.\textsuperscript{39}

Also the generational difference between White and Kroeber's consultants needs to be considered. Kroeber, as well as Harrington, interviewed consultants that lived a full generation before the people White interviewed. Kroeber's territory boundary information was collected in 1903 and 1904 from consultants of various tribal affiliations.\textsuperscript{40} Additional unpublished information about the Luiseño eastern territory boundary was provided by Harrington's Diegueño consultant Angel Quilp, who was said to be about 100 years old in 1925. Quilp told Harrington:

"the very impt. [important] tradition he has heard that the San Luiseños were originally in the Cahuilla Valley and that they were driven out of there by a war with the Cahuillas. The S. Luiseños then came down by Aguanga. An. [Angel] added that this is a tradition he has heard.\textsuperscript{41}

\textsuperscript{35} Lerch and Cannon 2008, p. 22.  
\textsuperscript{37} Ibid, p. 23.  
\textsuperscript{39} Ibid.  
\textsuperscript{41} John P. Harrington 1986. \textit{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, frame 083.
This statement suggests Quilp heard this information from his elders who possibly lived before or during missionization. Kroeber may have learned the same information from his Luiseño consultants who were of Quilp’s generation, thus drawing his Luiseño eastern border to include Soboba and Aguanga up to San Jacinto, Tahquitz and Cahuilla Peaks points which are along the boundary (Figure 3).

Figure 3: Kroeber’s map, 1925. Highlighting added on northern and eastern Luiseño territory boundaries.
In addition, the village of Sovovo (now known as Soboba) is from the Luiseño word Suvłowu (Shoe-VOH-wow/Sovovo), which is derived from Suvłowut (Shoe-VOH-wut) meaning ‘winter’.\(^{42}\) The Cahuilla word for ‘winter’ is táamiva’ (TAH-me-vah).\(^{43}\) If indeed the Luiseño territory extended further east, then Sovovo would have been the winter village for the Luiseño populations living at the higher elevations. The Paavo' report also includes ethnographic information that suggests Soboba was originally occupied by Serrano, thus associating the Project Area with the Serrano due to its proximity to San Jacinto. A quote included from anthropologist Herbert Harvey, which was cited from Oxendine\(^{44}\), discusses the population at Soboba in the 1850’s. Harvey’s actual statement says Soboba “in the 1850’s, consisted mainly of remnant Serranos who were the aboriginal occupants of Soboba (sic), and Cahuilla, attracted there by employment opportunities afforded by the Rancho San Jacinto.”\(^{45}\) Since Harvey’s report was strictly on the Luiseño, he does not elaborate on this statement or offer any references for this information. As such, it is unclear as to how he interpreted the Luiseño presence.

Most of the ethnographic evidence suggests the Cahuilla moved into the areas adjacent to the project area after European contact. Kroeber’s 1907 article “Shoshonean Dialects of California” includes information on territory boundaries for each of the southern California Uto-Aztecan languages. With information provided by consultants, BIA agents, and historic accounts, he determined the Cahuilla moved into the San Bernardino area during the 1840s-1850s.

“San Bernardino valley has been attributed both to the Cahuilla and the Serrano. The Indians now living in the valley are mainly Serranos, and the statements of Indians in other parts of Southern California also give this fruitful region to the Serrano as part of their original habitat. ...Dr. John R. Swanton of the Bureau of American Ethnology has kindly furnished the information, supplied him by a Serrano school girl named Morengo, on the authority of her uncle, that her people formerly occupied San Bernardino valley and San Gorgonio pass to a point eastward just beyond Banning, but not the San Jacinto mountains. ...Statements made by the Yuman Mohave strengthen the probability that San Bernardino belonged to the Serrano. San Bernardino and Colton, they say, belonged to the Hanyuweche, the Serrano. The Hakwiche or Cahuilla were not there. The San Bernardino mountains as far east as north or northeast of Indio belonged to the Serrano and not to the Cahuilla. The San Jacinto mountains were Cahuilla.”\(^{46}\)

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\(^{44}\) Oxendine 1983 p. 16.


\(^{46}\) Kroeber 1907, p. 132-133.
Kroeber also proposes the Cahuilla were “brought by the Franciscans to the San Bernardino mission station attached to mission San Gabriel, and this fact may be responsible for the statements assigning this region to the Cahuilla.”47 Strong concurs with Kroeber’s statement and verified the information with one of his Mountain Cahuilla consultants, Alec Arguello, who stated he had lived in the San Timoteo pass.

“five Mountain Cahuilla clans under the leadership of Juan Antonio, a well known captain, were brought to the district in about the year 1846. They settled first at the village of pulatana near Jurupa (Riverside), and later moved to sahatapa in the San Timoteo canyon near El Casco. They remained there until some time in the decade between 1850 and 1860 when the group was nearly exterminated by a smallpox epidemic.”48

Barrows, writing in the mid-1890’s, recorded the following information about the Cahuilla in the San Bernardino vicinity:

“[Cahuilla] villages in the San Bernadino and San Jose valleys were broken up thirty years or so ago, and, although they still come to the vicinity of Redlands and Riverside in search of work, their camps in these places are no longer permanent homes. They were driven from the San Timoteo canyon in the forties by the ravages of small-pox, and the first reservation to be met now, as one rides eastward through the pass where they once held sway, is below Banning, at Potrero...”49

Strong agreed with this statement except for the dates, they appear to be a decade off in accordance with other historical evidence. He concludes the “occurrence of Cahuilla in the San Bernardino region as an historic intrusion, and eliminate them from the problem of original ownership in the territory under discussion.”50 On Strong’s Luiseño territory map, he wrote the following comment in the area just above the northern boundary, “probably Gabrielino, though occupied by Mountain Cahuilla in Mexican period.” (Figure 4)51 In Bean’s study on the Wanakik (Pass Cahuilla), he found that the earliest definitive date of a Cahuilla presence in San Bernardino is 1820.52 Two of the primary ethnographers who studied Cahuilla believe the movement of the Cahuilla into San Bernardino occurred in the mid-1800s. Therefore, it is a logical conclusion that if the Cahuilla had not moved into the San Bernardino area until historic times, they would not have been in the Project area before that because it is much farther west and the theory that the Project area was Cahuilla territory prior to the Luiseño presence fails.

47 Kroeber 1907, p. 133.
48 Strong 1929, p. 7.
50 Strong 1929, p. 7.
51 Strong 1929, p. 275.
CULTURAL SETTING: Rock Art (p. 26-27)

The Paavo’ report explores the “…possible indication of cultural affiliation…” by examining the rock art, or tôota yixélval, that are located within the Project boundaries. While the document explores some of the available ethnographic literature regarding late prehistoric girls’ and boys’ puberty ceremonies, as well as a few sources of current archaeological documentation on site types, the information presented is conflicting and no conclusions are presented.

Relations between tôota yixélval and the Luiseño

For the Pechanga Tribe, tôota yixélval can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Western Riverside and Northern San Diego Counties are home to red, black and white pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man and D. L. True, as the San Luis Rey style. Gerald Smith and Steve Freers book “Fading Images” describes this style of tôota yixélval as being, “Generally associated with late prehistoric and historic Luiseño populations, with extensions into neighboring territories. This type site is the major locus of the style, on the San Luis Rey River, San Diego County.” The San Luis Rey style incorporates

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Smith and Freers p.26

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elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs.

It is no accident that the diamond chain rock art design occurs in our ancestor’s east-to-west waterways and village complexes. This diamond chain pattern is repeated at CA-RIV-61 in Mockingbird Canyon, CA-RIV-12 in south Lake Perris, CA-RIV-34 in Temescal Canyon and CA-RIV-393 at Lizard Shrink, to name a few, which are all known to be Luiseno cultural areas. This four-sided geometric element is also echoed in preserved Luiseño basket designs. The presence of this element can be identified in the San Jacinto, Salt Creek, and San Luis Rey River drainages, all located within known Luiseño territory.

In reference to the age of the tóota yixéval, the Tribe disagrees with the proposed 200 years as referenced by Bean and Vane. Considerations regarding the linguistic evidence for Luiseño presence in western Riverside County is discussed above and directly supports a much older age. Further, the report hints at “...alternative explanations regarding the age and cultural affiliation of the rock art...” however does not present these explanations. Without additional information, the report does not provide a valid argument on cultural affiliation of the rock art. The Tribe believes that the tóota yixéval located on the property is of the San Luis Rey type which therefore directly connects the site to the Luiseño and thus ascertaining the cultural affiliation of the site.

Puberty Ceremonies

Further evidencing the connection between the San Luis Rey rock art style and Luiseño people are these descriptions of how the diamond chain pattern, which is uniquely San Luis Rey style, was incorporated into the Luiseño girls’ ceremony. In 1892, Bureau of Ethnology anthropologist H.W. Henshaw compiled information on what was called the “Girls Ceremony.” He wrote: ‘that during the fourth new moon of the young girl’s puberty rite, diamond shaped marks were painted vertically on the cheeks of the girls faces.’ We learned this through our elders and thus for Pechanga, the connection to the tóota yixéval images holds a known meaning.

The report states that there is “…some recorded ethnographic information to support the hypothesis that some western Riverside County pictographs were painted as part of puberty ceremonies” and goes on to state “Pictograph designs made by both boys and girls during puberty ceremonies were sketched by John P. Harrington ca. 1933.” These two sentences are conflicting because if the ceremonies were witnessed and the

55 Smith and Freers 1994, p 19
56 Lerch and Cannon 2008, p 26
ethnographic accounts are true, then some of the tóota yixélval were created as a part of the puberty ceremonies. This is not a hypothesis but fact. Grant further acknowledges that “[w]e know from ethnographic evidence that, among the Juaneño and Luiseño...such paintings were made by young women during puberty rites.”

Dubois adds: “The songs of men and the women are different, and the men never sing the women’s songs. This song mentions a hill to which the girl runs at the conclusion of the ceremony, when a rock is painted.”

Further, these ethnographic accounts show that tóota yixélval were created at some time in direct association with Luiseño puberty ceremonies. In Strong’s description of the Cahuilla boys’ and girls’ puberty ceremonies, it is noted that “This finished the [puberty] ceremony, for as far as could be ascertained there was no racing or rock painting for either sex.”

The report makes several claims that this region was inhabited by the Cahuilla. Based upon Strong argument, the Luiseño created the tóota yixélval on the Project. Strong also notes that the “...clans of the Mountain Cahuilla under Juan Antonio moved from their mountain homes first to the vicinity of Riverside...Later their village was moved to sahatapa in the San Timoteo canyon near El Casco. These clans were probably moved down by the Mexicans as a guard against the Colorado river and other raiding peoples.”

There are many other resources that indicate the Cahuilla did not come into the area until historic times (see above for additional discussion).

Cupules

An additional type of tóota yixélval, identified by archaeologists also as rock art or petroglyphs, is known as cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. According to historian Constance DuBois:

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,

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58 DuBois 1901, p 95
60 Strong 1929, p 150
61 DuBois 1908, p 158
of the spots where they stopped and about the different places they claimed.

The Paavo’ report indicates that cupules are associated with late-prehistoric or protohistoric village sites. To date, we are not aware that these features can be archaeologically dated and argue that cupules are many hundreds, or possibly thousands, of years old as attested to by our oral traditions. Further, we would like to point out that while cupules are associated with the Nahachish story, Nahachish is not always associated with cupules. Cupules have been identified throughout the world and contain different meanings for each culture. To the Pechanga people, we strongly believe that they are ceremonial and sacred, and can be tied to territory determinations.

Another tóota yixélval element that has emerged only currently has been identified in the San Jacinto and Salt Creek Drainages and are called painted-cupules. Author and rock art specialist Steven Freers wrote: ‘the association of cupules at (these) and other sites suggests that this form of rock art may have been created as part of the boys’ puberty ceremony.”62 The Village of Táawila, CA-RIV-333, “Dead Dog site”, CA-RIV-202 near Páyi, and the Páavo RIV-393 cupule-cave at “Lizard Shrine” all exhibit painted-cupules, and are all known Luiseno cultural areas. We surmise that archaeologists have mistaken the presence of pigment within the cupules for iron oxide—which often it is not. Given what we currently know, Pechanga is suggesting that these painted-cupules are also distinctly Luiseno.

Mazes

Additional discussion is given of one maze in Orange County and three within Riverside County with allusions to additional mazes near to the Project. While the purpose for incorporating the maze information is vague, it seems that it may be to make a connection between the distribution of mazes over a wide region which accounts for several different tribal territories, and the large distribution of tóota yixélval in the San Luis Rey style which also purportedly ranges over several tribal territories. The Tribe does not agree with this assumption and are further confused as to why this topic is even broached since the report states, “…and thus [the mazes] offers little help resolving questions of cultural affiliation.”63 While the Paavo’ report may be confused on the subject of mazes, we believe that they are important and supportive of our oral traditions and beliefs of the Luiseno traditional tribal areas or cultural affiliation to the region.

McCawley’s study of Gabrielino culture, used in this report, is very assumptive.64 McCawley claims that there are three styles of tóota yixélval within the Gabrielino territory which he indicates covers 1,500 square miles of land encompassing Los

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62 Smith and Freers 1994, p 7
63 Lerch and Cannon 2008, p 27
Angeles, portions of San Bernardino and many of the Channel Islands. The Tribe does not agree with this assessment and believes that most of western Riverside and northern San Diego Counties were part of Luiseño territory with the lands directly to the west belonging to the Juaneño (See earlier notes and maps on Luiseño territory research presented elsewhere). Viewed in this respect, the mazes that McCawley discussed would be within Luiseño territory excepting the Orange County Maze Rock which is squarely within Juaneño territory as evidenced by ethnographic map sources. Additionally, while the “California Rectilinear Abstract Style” and the “Abstract Polychrome Style” may be associated with the coastal Gabrielino, Grant only states that the “Abstract Style”, or “California Rectilinear Abstract Style” as McCawley elaborates the usage, can be identified within “...western Riverside County...notably within Joshua Tree National Monument where both pecked and painted techniques appear in close proximity.” If any specific “style” must be referred to to categorize the mazes in western Riverside County, Freers and Smith makes note that many of the mazes appear to be of the Rancho Bernardo Style which was the type used in San Diego County at Luiseño sites. Additionally, the categorizing of tóota yixélval into specific styles has been questioned due to the lack of comprehensive research in southern California and also as it is subjective to the visible and/or remaining features of the tóota yixélval which may account for ultimate misrepresentation and mis-catagORIZATION.

To date, the Tribe is aware of at least eight painted and incised mazes that have been identified within an approximate 20 mile radius of TVOL Project, spanning from five miles north of the Project, eastward to Warren Road, southward to just past the Pechanga Reservation and northward to Murrieta and Lake Elsinore. A few additional mazes have been identified within San Diego County but our research has identified this large cluster within this portion of western Riverside County. While similar to cupule features in that mazes are found all over the world, the importance of these tóota yixélval is the relationship of the features within and to the Luiseño culture and what they mean specifically to our People.

CULTURAL SETTING: Language and Culture (p.27-32)

Jesus Jauro, who was a Gabriélino living at Soboba, provided information to Harrington in 1932-1933. He was reportedly a fluent speaker of Gabriélino. According to the 1910 census for the “San Jacinto Reservation,” Jauro and both of his parents were born at Soboba. Jauro’s wife, Maria, and her parents were also born at Soboba. Tribal affiliation for the Jauro family, his wife and in-laws is unknown however; it is quite probable that one or both of his parents were Gabriélino. Since Jauro was also exposed

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65 McCawley 1996, p 140
66 Grant, in Heizer and Whipple 1971, p 242
67 Freers and Smith 1996
69 Harrington 1986; Volume 3; Reel 116; frame 060.

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to the Luiseño and Cahuilla language and beliefs while living at Soboba, he must have been influenced by their traditions and stories. In one such account, provided by Jauro to Harrington, he states the sacred plant Toluache [Datura wrightii] grows at Taakwic hill near Bernasconi Spring and when it is green it is maani showoshwic, which was identified in the report as being the Serrano name for Datura, however in this case, Jauro is providing the Luiseño word for this plant. The Serrano term is maanich and the Gabriélino version is maanet. The phrase maani showoshwic is identified as being Luiseño (Eric Elliott, personal communication 2009).

Another argument proposed in the Paavo’ report is that the “Legend of Tauquitich and Algoot” is of Cahuilla origin. Taakwic’s home is Lily Rock near Idyllwild which is a border area between the Luiseño and Cahuilla and many miles from the Project. Another Gabriélino consultant interviewed by Harrington, Jose Zalvidea, was reported to live at San Manuel for many years but was actually from Soboba. Harrington’s consultants from San Manuel also said Zalvedea lived at the San Bernardino “mission” at one time. Both men were exposed to Serrano, Cahuilla, and Luiseño stories and referenced taakwic’s home as being in Luiseño territory. In fact, Zalvidea “indicated that Toowish Puki” was not a Gabriélino name” and linguist Pam Munro identified it as a Luiseño word meaning Taakwic’s house. In actuality, the word toowish means “spirit” or “ghost” and puki is “his house” in Luiseño and, in this case, may not be a direct reference to taakwic but just the house of a spirit.

As for the word taakwic, it appears to be closer to a Luiseño origin. Several Luiseño words are derived from the root word *takw as opposed to other Takic languages, which include Cupéño, Cahuilla and Serrano. It is believed the Dieguéño borrowed the Luiseño word for this supernatural being, chaawp or chaawk. Considering taakwic’s home is agreed upon as being on San Jacinto peak, he was known in almost all of the southern California cultures. The name taakwic also occurs in three other place names in Luiseño territory; two different locations are taakwic pošápilla, meaning ‘taakwic’s pounding place’ located at the top of Palomar mountain and the other is located on what is now Camp Pendleton near O’Neil Lake and Sa’wla’ape Taakwic Potáwwila which is also located near O’Neil Lake.

The Paavo’ report references the story “Legend of Tauquitich and Algoot” claiming it ties the Cahuilla people to the Lakeview area. Linguistically, this is incorrect as the mere title of the story implies that it is Luiseño since “Algoot,” is the anglicized version of the Luiseño word ‘alwut meaning ‘crow’. The word for crow in Cahuilla is ‘alwet’ and in Serrano it is ‘acawt. The name of the Soboba leader is “Algoot”

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70 Ibid.
73 McCawley 1996, p. 49.
and the place referred to in the story as Lakeview is called “Algooton,” indicating the name and the story would be Luiseño in origin.

Harrington recorded a few stories from Vicente Lugo, who was a Luiseño from Pala but living at Soboba. One of these stories is included in the Paavo’ report and was incorrectly associated with Paavo’. It relates the tale of a woman who is caught by a pāavaavo, which was translated in the report as a “man from payve” but in actuality, it means ‘water baby’ or a supernatural being that lives in any water source, not necessarily Paavo’. Lugo also discusses several place names in the Paavo’ vicinity, including ‘iiva meaning ‘wooden spoon’ and wihaava, ‘to slope gently’ in the Luiseño language. The Paavo’ report concluded “Paavo’” was a Serrano place name because wihaava was Serrano. Linguist Eric Elliott, who has studied the Luiseño, Cahuilla, and Serrano languages, believes wihaava could be either Serrano or Luiseño in origin, however he did not believe Paavo’ was Serrano because the syllable ‘-vo’ does not occur anywhere in that language. Elliott also looked at several other place names in the project area and the San Jacinto vicinity and believes all of them to be Luiseño in origin due to the use of double vowels and stress patterns. There are several other place names scattered throughout Luiseño territory that end in ‘-vo’, which, according to Elliott, is believed to be an old place name suffix in Luiseño.

Even though the Paavo’ report does not specifically designate tribal affiliation to the project area, it implies that traditional stories and linguistic evidence referenced suggest either a Cahuilla or Serrano presence. However, upon review of these sources and an analysis of the linguistic material, these assumptions are incorrect. Linguistically, the Luiseño have the closest cultural affiliation with the project area. There are thirteen Luiseño place names scattered from Soboba to the project area, including Paavo’, while there might be two Serrano names in the Soboba region. No Cahuilla place names have been identified in this study that are within or adjacent to the project area; nor were any locations provided by previous research (see Bean 1972; Bean and Saubel 1972; and Bean 1978). Also, linguistic evidence does not concur with the argument in the Paavo’ report that the “recent” movement of Takic speakers into southern California explains why each of these groups has a connection to the project area. Rather, the linguistic evidence heavily suggests a Luiseño affiliation with the Project area. In addition, the Paavo’ Report’s scenario does not conclusively address the cultural antiquity of the site and the continual occupation of the project area through what is assigned as the archaeological periods of the San Luis Rey cultures.

Based upon the evidence provided above including linguistic data, oral traditions, ethnohistoric and ethnographic accounts, surviving cultural features on the landscape and archaeological research, the Luiseño people believe this to be part of our traditional homeland. We thank you for the opportunity to submit this information to the County. If

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75. Lerch and Cannon 2008; p. 30

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you should have any questions or comments, please do not hesitate to contact the Pechanga Cultural Resources Department at 951-308-9295.

Sincerely,

[Signature]

Anna Hoover
Cultural Analyst

Cc: Leslie Mouriquand, Riverside County Archaeologist
    Michael Lerch, SRI
    Eastern Information Center
    Laura Miranda, Pechanga Office of the General Counsel
    Brenda Tomaras, Tomaras & Ogas, LLP
APPENDIX 4
July 15, 2011

VIA E-MAIL and USPS

Mr. Gary Jones  
Native American Coordinator  
California Department of Transportation  
District 8, Environmental Planning (MS825)  
464 W. Fourth St, 6th Floor  
San Bernardino, CA 92401-1400

Re: Pechanga Tribe Comments on the State Route 79 Realignment Archaeological Evaluation Proposal, EA49400 (#08000000784)

Dear Mr. Jones:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, by the Cultural Resources Department1.

It has been the intent of the Federal Government2 and the State of California3 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. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that Caltrans 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.

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1 This document was prepared in part by Dr. Lisa Woodward, Archivist, with a Ph.D in Native American Studies from the University of California, Davis.  
2 See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.  
3 See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4
The Tribe appreciates the opportunity to review and comment on the Archaeological Evaluation Proposal (AEP) well ahead of the proposed field work. As you know, early consultation is very important to the Tribe. Additionally, the Tribe intends to continue consultation with Caltrans and the FHWA on this Project to ensure that any resources identified within the Preferred Alignment will be avoided and preserved as recommended in the CEQA.

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe’s, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota pixéval* (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe’s cultural ties to this area as well as extensive history with both this Project and other projects within the area.

The Tribe has submitted information in previous letters and communication regarding our cultural affiliation with this Project and the region it is in. The following is a brief summary. The Tribe welcomes the opportunity to meet with the Caltrans to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction if required.

D. L. True, C. W. Meighan, and Harvey Crew stated that the California archaeologist is blessed “with the fact that the nineteenth-century Indians of the state were direct descendants of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors.” Similarly, the Tribe knows that their ancestors lived in this land and that the Luiseño peoples still live in their traditional lands. While we agree that 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-YOUGHT). He was innately gifted with ayélkwish (ah-YELL-kwish) or knowledge, and he learned how to make the first food, tíovish (TOH-vish, white clay), to feed the Káamalam. It is said Wuyóot gave the people ceremonial songs when he lived at ‘éxva Teméeku. While the following creation account is a brief summary, it does demonstrate that the Luiseño people have knowledge of and are affiliated with the Project area.

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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 Temééku and cremated. Wuyóot’s passing was the first death of the Káamalam and they were frightened by the event. 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. After a Grand Council of the Káamalam, they dispersed from ‘éxva Temééku, establishing villages and marking their territory. The first people also became the mountains, plants, animals and heavenly bodies. Songs called Monívol (moh-NEE-vull), 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.

**PECHANGA TRIBE COMMENTS ON THE ARCHAEOLOGICAL EVALUATION PROPOSAL**

The Tribe has received and reviewed the Archaeological Evaluation Proposal, prepared for the Project by Applied Earthworks (hereinafter, the AEP). We have several concerns with the document; specifically, regarding the ethnographic descriptions, regional evaluations and the process for human remains should they be identified within the selected preferred alignment.

*The AEP Lacks Adequate Supporting Evidence for its Assertion that the Project Lies within Cahuilla Territory*

**Section 2.3 Ethnography**

The Tribe disagrees that the Project area lies within the Cahuilla territory as discussed in the AEP. To date, the Pechanga Tribe has had to contend with as many as eight different representations of their Territorial Boundaries (Confidential Appendix 1). Many years of internal research have resulted in the Boundary shown in blue as the preferred Boundary recommended by the Tribe. 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

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6 Ibid.
7 Ibid, p.110.

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the Luiseño traditional territory have included the project area in their descriptions (Kroeber 1925; Drucker 1939; Heizer and Whipple 1951; Smith and Freers 1994). With the exception of Smith and Freers, these boundaries were determined from information provided to the ethnographers by Luiseño consultants. The boundary determinations were based upon multiple factors including language, village locations, oral tradition, personal beliefs, etc. Smith and Freers made their determination utilizing known rock art sources. The Pechanga Tribe bases the Luiseño territory boundary (as depicted in the Confidential Appendix) on descriptions communicated to the Pechanga people by our elders in combination with the sources indicated above, i.e. ethnographic and historic literature, published maps, etc.

While our Creation story maintains that the Luiseño people were created and thus have always lived in this area, the AEP states that the “Project study area lies within the traditional territory of the Cahuilla Native American cultural group.” The Tribe argues that there is ample evidence that supports continuous Luiseño occupancy over other tribes which will be provided in the following pages.

The use of specific ethnographic maps in the AEP without an adequate discussion of the alternative theories is problematic, especially in a case such as this where the Tribe has presented additional information regarding its assertion that the Project Area falls within Luiseño rather than Cahuilla territory. It is fairly common knowledge that ethnographers often change their tribal territory boundaries for each new study or publication based upon who their informants are/were. In the instance of this AEP, the authors extensively use Bean or Bean and Vane as references for the Project being traditionally Cahuilla territory without providing adequate justification for why these works were chosen over other equally reliable works that may have disagreed with the conclusions in these reports. It is important in any academic or scientific analysis to provide all information and adequately explain why one view was chosen over another.

For instance, the authors did not reference other maps for comparative analysis. For example, the map in Bean and Saubel (1972), which was not referenced in the AEP, clearly shows the Project area in Luiseño territory (see Figure 1). The map in Bean’s 1972 work, which is almost identical to the Bean and Saubel map, is also not referenced in the AEP.

13 AEP Section 2.3 Ethnography, page 2-4
15 Bean and Saubel 1972, p. 8
16 Bean 1972 frontspiece
However, in 1978, six years later, Bean’s\textsuperscript{17} Cahuilla territory map, which is the only source of territory information provided in the AEP, has been greatly altered from the earlier studies and extends the tribal boundary into what was previously associated with the Luiseño – without explanation. Upon reviewing Bean’s 1978 map, it shows Cahuilla territory extending north and west to Riverside. However it is important to note that the entire area west of the San Jacinto Mountains on Bean’s 1978 map is lacking Cahuilla place names, demonstrating a lack of support for Bean’s revision.\textsuperscript{18} All the Cahuilla locations which exhibit names on the map are in the Cabazon Valley, east of the Santa Rosa Mountains and east of Palomar Mountain. The places named in the northwest region of Cahuilla territory, which the Luiseño believe to be their territory, share the same locational names (Figure 2). It should be noted that both of Bean’s maps created in 1972 are clearly adapted from Kroeber, who places the Project site squarely within Luiseño territory.\textsuperscript{19} Further, Bean uses informants that are nearly a half-century younger than, for instance, Kroeber’s informants who would be assumed to have had more accurate knowledge of the territories.

\begin{figure}[h]
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\includegraphics[width=\textwidth]{Figure_1}
\caption{Bean 1972, front piece.}
\end{figure}

\begin{footnotesize}
\begin{enumerate}
\item[18] Bean 1978, p. 576
\item[19] Kroeber 1925.
\end{enumerate}
\end{footnotesize}
Figure 2: Bean and Saubel, 1972, p. 8. Note on both of these maps, Luiseño territory is much larger than depicted on the Luiseno and Cahuilla map in Bean 1978.

Bean 1978, p. 576. Note the highlighted area was part of Luiseño territory in Bean 1972 and Bean and Saubel 1972 and is devoid of Cahuilla place names.
The lack of Cahuilla place names on the Bean 1978 map is often disregarded; ethnographic information from Francisco Patencio’s *Stories and Legends of the Palm Springs Indians*[^20] is generally used to provide information that would support Bean’s and the AEP authors interpretation that the Project area is in Cahuilla territory.[^21] However, review of Patencio’s stories show that they are accounts of the First People and their travels, of which several appear to be part of the Cahuilla Bird Song repertoire. The story “Some of the Early People” is about the First People who flew to particular mountains, named them and then their descendants settled in the Santa Rosa Mountains and San Felipe Valley, which is located southeast of Los Coyotes Reservation.[^22] The Luiseño also have names for these mountains, but they do not claim they are in their territory. “Esel I hut” is about a man who is traveling from the north and passes through “Moreno country”, “Hemet Point”, and arrives at a village at “the end of the Santa Rosa range...the place of the Mo moh pechem people” where he slays the sky animal, *To quasso hot* and from there he travels on to Imperial Valley.[^23]

In the migration story “Yellow Body, Head Man of Moreno”, it is said that he lived “in the west side of Deep Canyon with his people, and called the place *Pan ox su*, which was the name of the tribe,”; however, he sent his family to live at Santa Rosa Mountain and, as the story goes, he went to the “desert on the other side of the mountain in which were settled many people, and lived there among them.”[^24] This story is similar to the Acjachemen (Juaneño) migration account, even though the Acjachemen territory is a hundred miles from the Cahuilla in the area of San Juan Capistrano. Their first leader left the village of *Sejat*, which is in Gabrielineo territory and is a known Gabrielineo village, and relocated to a place they named *Putuitum*.[^25] The Acjachemen today recognize *Sejat* as a Gabrielineo place and do not claim any ties to that area, even though their creation story says they originated from that location. In other words, even though the story speaks to traveling through a particular area, it does not mean that the tribe claims that area as part of its aboriginal territory. Simply naming a location in a story does not mean it is being claimed as part of the tribe’s territory.

Evidences Supporting Pechanga’s Assertion of Territory Affiliation

The Eastside Reservoir Project report states the Domenigoni and Diamond valleys “lie within the traditional territory of the Cahuilla near the boundary with the Luiseño...” (Lowell

[^22]: Patencio 1943, p.33-34.
[^23]: Patencio 1943, p.35-37.
Bean, personal communication 1992, as cited in MWD report, Vol IV Synthesis of Findings, 2001). The report goes on to state:

"Mission San Gabriel, the mission that would eventually have the most direct impact on the native inhabitants of the Eastside Reservoir Project study area, was established in 1771. ...Research into the baptismal and other records of Mission San Gabriel indicates that the native peoples who occupied and used the Eastside Reservoir Project study area during the late 1700s and early 1800s spoke the Cahuilla language and were associated with a community known as Junalmonat, centered near Winchester, immediately north of the Project area (Bean and Vane 2001: MS-1; as cited in MWD report, pg. 593)

Although there are San Gabriel baptismal entries for the village of Junalmonat, there is ethnographic evidence that supports the Project area, including Diamond Valley Lake, as being within the traditional boundaries of the Luiseño.

Contrary to what is quoted above, San Gabriel Mission did not have the most direct impact on the native inhabitants. Rancho San Jacinto was established under the jurisdiction of San Luis Rey Mission. This rancho was established to raise cattle for San Luis Rey and is listed in an 1821 report as a holding of the mission (Englehardt 1921: 45, 52, 98, 120, 122-123). The people living adjacent to and within the Rancho were subjects of the San Luis Rey Mission. However, both arguments do not explain the language the people of this village spoke. Being under the jurisdiction of San Luis Rey, the people would be considered "Luiseño"; however, Bean suggests they were Cahuilla, based on turmoil created with European contact and the establishment of the missions.

Ethnographic data collected by John P. Harrington suggest the Project area is within the ancestral boundaries of the Luiseño. An interview conducted with Vicente and Luisa Lugo of Soboba on July 12, 1934, resulted in the creation of a map of the Hemet / San Jacinto valley. Vicente Lugo was a Luiseño from "old" Pala who was a fluent speaker of Luiseño. He moved to Soboba in 1891. He married Luisa Leona, from Soboba, who spoke Luiseño, Cahuilla, the Serrano dialect of Soboba and the Serrano dialect of Morongo. Vicente provided the Luiseño names of villages and points of interest on the place name trip he took with John P. Harrington around the Soboba, San Jacinto and Hemet areas. The map created on this trip includes the
entry: “Winchester = hunálmọ.”31 In 1937, Lugo was interviewed by Adam Castillo who also resided at Soboba and was assisting Harrington with aluminum disk sound recordings. Lugo again named places in the greater Hemet / San Jacinto valley and stated after providing several names: “And that town over there, what is it called? Winchester, isn’t it. That (hill) that rises over there is known as Hunálmọ, the one which looks down.”32 He goes on to explain a feature near the hill that is part of the Luiseño Creation Account in which the \Chéexayam (Cheh-xhaye-yam), the Seven Sisters, ascended into the sky by climbing a rope that was let down for them called wáanawut (WAA-na-woot, the Milky Way).33 This is described in greater detail below.

According to linguistic information, the place Hunálmọ falls within Luiseño territory. The name itself is clearly a Luiseño word as evidenced by its morphology. The root word, Hunáan means "lift" in Luiseño. Identifying Luiseño linguistic markers correspond to the root word. Also, the stress location of words in Luiseño is on the second syllable whereas in Cahuilla, stress is always on the first syllable. Not only does the linguistic analysis of the place name Hunálmọ illustrate it is a Luiseño place, but so does tribal cosmology for the area. \Chéexayam Pomwáppivo (Cheh-xhaye-yam Pom-WHAP-pee-woo) is located within Hunálmọ and is tied directly to the Luiseño Creation story, thereby solidly marking this area as Luiseño.34

In contrast to the lack of any supportive information in the AEP for the authors’ assertion of territory boundaries, the Tribe has previously provided extensive information supporting its position regarding such boundaries, and provides the following discussion as further proof. Kroeber’s territory boundary information was collected in 1903 and 1904 from consultants of various tribal affiliations.35 Additional unpublished information about the Luiseño eastern territory boundary was provided by Harrington’s Diegueño consultant Angel Quilp, who was said to be about 100 years old in 1925. Quilp told Harrington:

"the very impt. [important] tradition he has heard that the San Luiseños were originally in the Cahuilla Valley and that they were driven out of there by a war with the Cahuillas. The S. Luiseños then came down by Aguanga. An. [Angel] added that this is a tradition he has heard."36

This statement suggests Quilp heard this information from his elders who possibly lived before or during missionization. Kroeber may have learned the same information from his Luiseño consultants who were of Quilp’s generation, thus drawing his Luiseño eastern border to include

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31 Harrington reel 119, frame 431.
32 John P. Harrington Collection. Sound Recordings housed at the Smithsonian Institution. Recording 1532.
33 Ibid
34 Elliott, Eric. Luiseño dictionary revised edition; in prep
Soboba and Aguanga up to San Jacinto, Tahquitz and Cahuilla Peaks points which are along the boundary (Figure 3).

Figure 3: Kroeber’s map, 1925. Highlighting added on northern and eastern Luiseño territory boundaries.

Most of the ethnographic evidence available suggests the Cahuilla moved into the areas adjacent to, and by association in to, the project area after European contact. Kroeber’s 1907 article “Shoshonean Dialects of California” includes information on territory boundaries for each of the southern California Uto-Aztecan languages. With information provided by consultants, BIA agents, and historic accounts, he determined the Cahuilla moved into the San Bernardino area during the 1840s-1850s.

“San Bernardino valley has been attributed both to the Cahuilla and the Serrano. The Indians now living in the valley are mainly Serranos, and the statements of Indians in other parts of Southern California also give this fruitful region to the Serrano as part of
their original habitat. ...Dr. John R. Swanton of the Bureau of American Ethnology has kindly furnished the information, supplied him by a Serrano school girl named Morengo, on the authority of her uncle, that her people formerly occupied San Bernardino valley and San Gorgonio pass to a point eastward just beyond Banning, but not the San Jacinto mountains. ...Statements made by the Yuman Mohave strengthen the probability that San Bernardino belonged to the Serrano. San Bernardino and Colton, they say, belonged to the Hanyuweche, the Serrano. The Hakwiche or Cahuilla were not there. The San Bernardino mountains as far east as north or northeast of Indio belonged to the Serrano and not to the Cahuilla. The San Jacinto mountains were Cahuilla.37

Kroeber also proposes the Cahuilla were “brought by the Franciscans to the San Bernardino mission station attached to mission San Gabriel, and this fact may be responsible for the statements assigning this region to the Cahuilla.”38 Strong concurs with Kroeber’s statement and verified the information with one of his Mountain Cahuilla consultants, Alec Arguello, who stated he had lived in the San Timoteo pass.

“five Mountain Cahuilla clans under the leadership of Juan Antonio, a well known captain, were brought to the district in about the year 1846. They settled first at the village of pulatana near Jurupa (Riverside), and later moved to sahatapa in the San Timoteo canyon near El Casco. They remained there until some time in the decade between 1850 and 1860 when the group was nearly exterminated by a smallpox epidemic.”39

Barrows, writing in the mid-1890’s, recorded the following information about the Cahuilla in the San Bernardino vicinity:

“[Cahuilla] villages in the San Bernadino and San Jose valleys were broken up thirty years or so ago, and, although they still come to the vicinity of Redlands and Riverside in search of work, their camps in these places are no longer permanent homes. They were driven from the San Timoteo canyon in the forties by the ravages of small-pox, and the first reservation to be met now, as one rides eastward through the pass where they once held sway, is below Banning, at Potrero.”40

Strong agreed with this statement in principle. He concludes the “occurrence of Cahuilla in the San Bernardino region as an historic intrusion, and eliminate them from the problem of original ownership in the territory under discussion.”41 On Strong’s Luiseño territory map, he wrote the following comment in the area just above the northern boundary, “probably

37 Kroeber 1907, p. 132-133.
38 Kroeber 1907, p. 133.
39 Strong 1929, p. 7.
41 Strong 1929, p. 7.
Gabrielino, though occupied by Mountain Cahuilla in Mexican period.” (Figure 4)\textsuperscript{42} In Bean’s study on the Wanakik (Pass Cahuilla), he found that the earliest definitive date of a Cahuilla presence in San Bernardino is 1820.\textsuperscript{43} Two of the primary ethnographers who studied Cahuilla believe the movement of the Cahuilla into San Bernardino occurred in the mid-1800s. Therefore, it is a logical conclusion that if the Cahuilla had not moved into the San Bernardino area until historic times, they would not have been in the Project area before that because it is much farther west and the theory that the Project area was Cahuilla territory prior to the Luiseño presence fails.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure4}
\caption{Strong 1929, p. 275. See note above northern boundary.}
\end{figure}

Section 2.5.3 Historic Context of the Project Study Area

The Tribe is concerned that sheep herding is not addressed in the AEP. Sheep herding and shearing was a prominent activity in this region during the latter half of the 1800’s and into the early 1900’s. Several of Harrington’s Luiseño consultants worked in the Winchester area and Pechanga elders recollect their parents and grandparents working as shepherds and shearsers in this vicinity.\textsuperscript{44} There is evidence of one of these sheep camps adjacent to the project area. A sheep corral is depicted and named on the 1880 plat map for Township 5 south, Range 2 west, sections 33 and 34. However, the site records for this location do not reflect this particular activity and upon review of CA-RIV-1418/H, “a granite fence” was documented, but according to the recording archaeologist, its use was unknown. The Historical Resources Evaluation

\begin{footnotesize}
\begin{enumerate}
\item Strong 1929, p. 275.
\item Vincent Ibanez, 1989. Interview conducted by Lowell Bean for the Diamond Valley reservoir project.
\end{enumerate}
\end{footnotesize}
Report (HRER)\textsuperscript{45} produced for the SR79 Widening Project further documents the fence as potentially related to the sheep use in the area based upon several criteria however, it is determined to be not eligible for the National Register of Historic Places (NRHP) because it is similar to other rock walls in the area.

Section 3.3.1 Research Context for Prehistoric Sites

The Tribe recommends that the same goals and research methods that are suggested for use in Section 3.3.2.1 for historic archaeological sites also be utilized for prehistoric sites. More specifically, as the Tribe has argued in our past comment letters, the prehistoric sites that have been identified within the AEP should all be evaluated in a landscape approach. The Tribe knows that the southern portion of the Project goes through a large village complex known as Sdovamay (SHOW-vah-my: additional information on this Complex below) and we are very concerned that individual sites being evaluated separately will result in total destruction of this area. We agree that “Many of these sites would not be considered significant if evaluated separately…” \textsuperscript{46} and we urge Caltrans and Applied Earthworks to evaluate the area as a whole.

Section 3.4.3 Field Methods

The Tribe believes that the Code of Federal Regulation (CFR) provided in the report as support for the report analyzing each site’s components individually does not necessarily provide such support. 36 CFR 60.4(d) states “...that have yielded, or may be likely to yield, information important in prehistory or history.” First, part d is only one portion of the overall criteria and does not specifically speak to how the information should be viewed or evaluated. By utilizing a restrictive view of this regulation, the Tribe believes that the archaeological consultants have already relegated their identification of individual sites to an informational basis only rather than looking to whether a site or area might fit within one of the other criteria. Secondly, the National Register criteria in itself does not “...define the sites’ significant qualities.” Rather, it is important to not presume that only one of the National Register criteria is applicable to archaeological sites prior to making an eligibility determination. As pointed out, the specific criteria noted in the AEP tends to allow the archaeological consultants to argue for the segregation and separation of archaeological resources rather than evaluating the eligibility of an area according to the regional context.\textsuperscript{47} While the Tribe understands that each ‘site’ has its own specific characteristics, the bigger and more important aspect of significance evaluation is how the sites fit together on the landscape. That is, how they relate to one another and what they, as a whole, can show us about our past Luiseño ancestral lifeways.

\textsuperscript{45} Historical Resources Evaluation Report: Widen State Route 79 between Thompson Road and Domenigoni Parkway in the County of Riverside, California. District 8-RIV-79-KP R15.5/R25.6 (PM R8.4/R15.8) EA 08-464600. Caltrans, December 2008.
\textsuperscript{46} AEP page 3-10
\textsuperscript{47} Interestingly, the AEP states in numerous locations that an analysis of the regional context will be made at a later date. This is contrary to adequate scientific practice in which all information must be taken into account when evaluating and assessing a resource.
Section 3.4.3.4 Defining the Extent of Subsurface Deposits

The Tribe has two primary concerns with this section. First, the sentence “All archaeological materials recovered would be collected for analysis” does not include the real possibility that sacred and/or ceremonial items may be uncovered. The Tribe recommends that in the event that sacred/ceremonial items are identified, in consultation with the Tribe, these items will be repatriated immediately to the Tribe. Any documentation of such types of resources will be allowed per recommendation of the Tribe.

Secondly, the Tribe would suggest that the use of shovel probes (SHPs) be replaced by small one meter by one-half (1x1/2) meter units. The use of SHPs reveals very little to the observer. These holes are limited in size and depth and unless they are specifically centered over a known subsurface deposit, are almost useless in their function. The Tribe argues that a few well-placed 1x1/2 units will provide a better stratigraphic profile, better depth analysis and overall better idea of what is subsurface in an area. These holes are also relatively quicker to excavate than a full unit, which is often more time consuming and invasive than a Phase II test requires. Auger borings can also be utilized in the bottom of 1x1/2 units more effectively.

Section 3.4.4.2 Analytical Procedures – Special Studies

The Tribe recommends that if any additional studies such as those listed within the Special Studies Section are proposed to occur, consultation with the Tribe should occur prior to submission for evaluation.

Section 3.4.5 Regional Settlement Patterns Analysis

It is our understanding that there are 28 sites located within all APE alternatives. It is further understood that no sites to date have been evaluated. The Tribe appreciates that Caltrans and the Project archaeologist will be conducting a more formal regional analysis of the Project area. We highly recommend that this analysis assist with significance determination. Habitation sites are of utmost importance to the Tribe because they are the last physical remains of where the ancestors lived. They contain information and data that are reflective of every aspect of tribal culture, including bedrock milling features which were their kitchens.

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. 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.
We have previously submitted portions of the below information in our other comment letters in order to provide information with which to allow an assessment of the regional context; however, we have included this information again for the record. The Project APE is located within a highly sensitive and culturally significant area of Luiseño territory. Within the Luiseño Creation Story, the last of the Káamalam born was Wiyóot (We-YOUT). When he was poisoned and died, his passing was the first death of the Káamalam. Death did not exist before this time. Wiyóot's death frightened the Káamalam. There are several songs and stories related to this event. It is said that several of the Káamalam went up into the sky and became stars in an attempt to escape death. The named stars are believed to have been the chiefs among the Káamalam and their relatives and supporters are now the unnamed stars grouped around them.

The story of Chéexayam (Cheh-xhay-yam), the Seven Sisters, recounts how they ascended into the sky by climbing a rope that was let down for them called wáñawut (WAA-nawoot, the Milky Way). These stars are known today as the Pleiades. The Chéexayam were married to Tíukut (TOO-koot, Wildcat) who would provide for them by descending wáñawut to hunt on the land. While Tíukut was away, 'anó' (ah-NOH, Coyote) would spy on the Chéexayam. He envied Tíukut and wished he could be him. One day while Tíukut was drinking at a pond, 'anó' killed and skinned him. 'anó' wore Tíukut's skin in an attempt to trick the Chéexayam into believing he was their husband. He was successful for a while but the youngest star became suspicious. She finally convinced her sisters he was not their husband. The next time 'anó' left, the sisters decided they would not let him return. As he was climbing back up, the sisters cut wáñawut and 'anó' fell backwards. 'anó' can still be seen following the Chéexayam; he is the star that trails them.

The place where the Chéexayam lived before ascending into the sky is called Chéexayam Pomwáppivo, the eastern hill in what is now known as Double Butte, just north of Winchester, California. Linguist John P. Harrington recorded this name and location from his Luiseño consultants. Harrington created a detailed map during a place name trip he made with one of his Luiseño consultants, Vicente Lugo, who was from Pala but lived at Soboba. They traveled from Hemet to Perris and recorded Luiseño place names along the way. Jose Albañez and Maria Omish told Harrington there is a white stripe of rocks denoting the location of where the Seven Sisters lived before they flew away. In the late 1800's, Albañez worked as a sheep shearer on a ranch near this location and told Harrington "an Indian told him this place name... meaning where the cabrillas flew away." Cabrillas is the Spanish word for the Pleiades constellation. The hill adjacent to Chéexayam Pomwáppivo is called 'anó' potma (ah-NO poht-ma), meaning

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48 DuBois, 1908, 162
49 Ibid.
‘coyote’s mouth.’ This place is also in reference to the story of the Chéexayam and is known as the place where ‘Coyote howled.’

Chéexayam Pomwáppivo is important in Luiseño cosmology and is mentioned in ceremonial songs. Anthropologists and linguists believe the most archaic forms of a language are contained in religious contexts. Ethnomusicologist Helen Roberts, in 1933, recognized that “songs, especially religious songs, are apt to carry in their sacred and carefully preserved forms bits of archaic speech, fragments of information often impossible to secure from direct questioning, revelations of ancient doings, and of emotions and thoughts often otherwise hidden from profane cognizance.” Typically when locations are mentioned in Luiseño songs they are named as a couplet, meaning two words combine to describe a place or region. Sometimes the words may mean two different things or places, but together it may represent the order in which the places were visited by Wiyóot or other important people. The couplet could also represent a specific place or region. Often the exact translations or meanings of the words are not known by the speaker and sometimes even recognized as ancient words. The place name and couplet, Chéexayam Pomwáppivo is the precise location of an ancient event; where the Seven Sisters launched themselves into the sky instead of turning into stone like most of the other Káamalam.

In addition to Chéexayam Pomwáppivo and ‘anó’ potma, there are three additional named locations adjacent to and extending across the southern portion of the Project area. Hunaálmno (Hoo-NAL-mo) is the name of the town of Winchester as well as the eastern hill that is part of what is now known as Double Butte. (Hunaálmno is discussed above.) In the late 19th century, Jose Albañez, as well as other Luiseño men worked as sheep shearsers in this region. A small hill east of the town of Winchester is called tutpáama (toot-PAH-ma). It was a place where people would gather edible plants.

In addition to the places named above, there are many songs and oral accounts that specifically call out events that occurred throughout the entire APE. However, there is one Luiseño place that will be directly impacted by the proposed project. The large village complex of Sóovamay, meaning ‘sumac place,’ exists partially under Diamond Valley Lake and partially surrounding the Lake within a roughly six (6) square-mile radius. This place name is derived from the Luiseño word for ‘three-leaf sumac,’ Sóoval (SHOW-val). This plant grows abundantly in the region and it has several uses which include twine for making baskets and is also used to

56 Mark Macarco, 2008. personal communication.
58 Harrington, 1937.
tie thatch onto brush houses. According to J.P. Harrington’s consultants, Soovamay spring is located at the south end of Warren Road at the base of the hills, to the east of the APE. There was an old trail adjacent to the spring which joined a larger trail system that cut through Domenigoni and Diamond Valley. This larger trail appears on both the 1867 and 1880 plat maps and is labeled “road from Temecula to San Jacinto.” This trail traverses several recorded cultural sites in Domenigoni and Diamond Valley and connects with several others in the region. On the 1880 plat map of Township 5 south, Range 2 west, section 34, several of these trails/roads intersect. This appears to have been a junction that connected the Hemet/San Jacinto Valley with the Temecula and Menifee regions. Most of these roads recorded on the historic plat maps were built upon old Native American migration and trade routes which are now modern roads. It is well documented in the archaeological record that small habitation areas are found along old trail systems. Elders from Pechanga remember this area as always being a place to travel through, from Hemet to Temecula.

The 1867 and 1880 plat maps also documented several springs in the Domenigoni and Diamond Valley regions including two that were quite large and named. The location of Soovamay spring (location discussed above) does not appear on the plat maps but was recorded by Harrington in 1933. The archaeological site record for CA-RIV-5792, which is located near Newport Road and adjacent to the project area, noted there was a “wet area nearby suggesting a marsh once existed.” The abundance of water in the region would have supported large populations as evidenced by the village complex in the area. The influx of ranchers and farmers in the late 1800’s can be attributed to the amount of available water in the territory.

The AEP discusses a model developed for the Sierra Nevada and the tribes associated with that geographical area. We would suggest that the research conducted for this Project be from more local sources, which are more appropriate to the local tribes. For example, True and Waugh (1982) pointed out that the Luiseno 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 Luiseno 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 Luiseno people had developed a very complex sense of community and permanent Settlement Pattern; it was embedded in their Social History.

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62 Ibid.
The use of the “key site” model can be a useful tool when analyzing a large region – that is, when the researcher is looking for specific clusters of individually recorded sites, however it should be noted that, although limited, research has been conducted on Luiseño Village Complexes in this particular region and those may not necessarily fit into a specific “14 or more” ideal. Kroeber (1925) and Heizer (1978) used ethnographic data to describe the Luiseño Indians’ settlement pattern as consisting of permanent villages of 75 to 200 people 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. It has also been suggested ethnographically that frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. Expanding on Kroeber and Heizer’s general description, True and Waugh 64 described Luiseño settlement patterns as;

The bipolar settlement pattern of the San Luis Rey was represented by relatively permanent and stable villages (both winter and summer), inhabited by several groups exploiting well-established territories and resources that were defended against trespass (we follow Flannery [1976:164] in using “village as a generic term for any small permanent community”), they saw this as a result of a reasonably long process of adaptation during which several strategic changes take place in settlement location patterns and in procedures for collecting resources. These strategic changes included a “trend toward the congregation of people along the major tributaries, with each tributary and its immediate environs occupied and exploited by a family-based kin group of some kind.

We argue that “isolated bedrock milling sites” are not at all isolated but represent a very intentional pattern of settlement design based upon familiar size and connections, availability of resources and, possibly most important, personal space and privacy. The Luiseño people understand this about their ancestors and why Pechanga continuously argues for a more culturally sensitive and regional analysis of resources. For example, during his visit to Luiseño settlements in the La Jolla region in 1901, Merriam noted that “in many cases the Indians have great masses of tuna, 10-20 feet high, about or near their adobe houses” which “are not near together but scattered about, usually 1/8 or 1/4 of a mile apart and on a cleared place surrounded by chaparral.” 65 Luiseño settlement patterns have been described ethnographically by Sparkman 66 and Strong 67 as sedentary and territorial, with the extended families residing in villages with individual living areas separated anywhere from ¼ of a mile to ½ a mile apart. The proposal that a village footprint covers an expansive area, with each family having its own

64 True and Waugh 1982, p. 35
milling feature(s) is supported by Bean when he argues that “homes were located some distance apart to provide privacy for families, if terrain permitted.” Bean and Smith also suggest that “a village might occupy three to five square miles.” While Oxendine’s dissertation is often cited when discussing late prehistoric village attributes and locations, little has been done to expand on her definition of a village footprint. The idea that villages could cover an expansive area is supported by Archaeological Investigations at Molpa, San Diego County, California. Here, True et al suggest that the larger outcrops containing multiple milling features are community milling areas and that each group or family within the community had its own specific milling boulder. In other words “each group then had its milling area and each family woman had her mortar or group of milling elements.” To support this claim, True et al. gives the following example: The milling stones located at Silver Crest (Palomar Mountain State Park) belonging to the adjacent Pauma Village were identified by Max Peters as the property of a specific family. Each family had its own “place” and each mortar hole belonged to a particular “lady.” “If the pattern at Molpa in protohistoric times followed that of the adjacent Pauma Village, it is likely that these “holes” were passed down from mother to daughter and were used until they became too deep to be functional.” Thus there is support for the Tribe’s assertion that each milling feature signifies an integral portion of the much larger village present at the site.

The Tribe is happy to work with Caltrans and Applied Earthworks to assist in developing the Settlement Patterns Analysis so that it can accurately reflect both scientific archaeological data as well as tribal traditions and knowledge of the ancestors past activities.

Section 4.3 Treatment of Human Remains

The Tribe understands that the AEP only addressed the current proposed fieldwork. We would like Caltrans to understand that we have serious concerns regarding the unanticipated discovery of human remains during any excavations after the selection of the preferred alternative. It is Pechanga’s belief that human remains are to be preserved in situ. The Tribe requests additional consultation with Caltrans in order to develop appropriate protocols should the human remains be identified during this critical phase of the Project.

Chapter 5 Curation

The Tribe does not agree that all cultural resources collected during the Project should be curated at the San Bernardino County Museum (SBCM). We request that Caltrans commit to

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70 Oxendine, Joan. The Luiseño Village During the Late Prehistoric Era. Ph.D. Dissertation, University of California, Riverside, 1983
71 True et al 1974 p. 43
72 Ibid 1974 p. 43
giving the Pechanga Tribe the option to take possession of the items for appropriate treatment, which could include reburial on the Project property (or other acceptable location), repatriation of the items to the Tribe or curation in the Tribe’s own Part 79 qualified facility.

CONTINUED TRIBAL INVOLVEMENT

The Tribe will continue to be involved and participate with the Caltrans in assuring that adequate archaeological studies are completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project. In addition, given the sensitivity of the Project area, it is the position of the Pechanga Tribe that Pechanga tribal monitors be required to be present during all ground-disturbing activities conducted in connection with the Project, including any additional archeological excavations performed.

The CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5). As such, it is the position of the Pechanga Tribe that an agreement specifying appropriate treatment of inadvertent discoveries of cultural resources be executed between Caltrans, or the appropriate entity, and the Pechanga Tribe.

The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §1506a.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5-10.2 and 5-10.3). Because of the extensive presence of the Tribe’s ancestors within the Project area, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. Therefore, as noted previously, it is crucial to adequately address the potential for inadvertent discoveries.

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. This is addressed in the AEP however, 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.
Pechanga Comment Letter to the California Department of Transportation  
Re: Pechanga Tribe Comments on the AEP for the SR79 Realignment, EA49400  
July 15, 2011  
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The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project’s impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe looks forward to working together with Caltrans in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 once you have had a chance to review these comments so that we can schedule tribal monitoring and continue consultation. Thank you.

Sincerely,

[Signature]

Anna Hoover  
Cultural Analyst

Cc Pechanga Office of the General Counsel  
Brenda Tomaras, Tomaras & Ogas, LLP
April 23, 2012

VIA E-MAIL and USPS

Mr. Gary Jones
Assoc. Environmental Planner, Archaeologist
Department of Transportation, District 8
Environmental Planning (MS 825)
464 W. Fourth Street, 6th Floor
San Bernardino, CA 92401-1400

Re: Pechanga Tribe Comments on the Mid-County Parkway Findings of Effect (MCP FOE)

Dear Mr. Jones:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, “the Tribe”), a federally recognized Indian tribe and sovereign government in response to the Findings of Effect dated March 2012. The Tribe formally requests to continue to be notified and involved in the entire environmental review process for the duration of the above referenced project (the “Project”). Please also incorporate these comments 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 knowledge about the area as well as comments and concerns about this Project in numerous written communications and meetings. The Tribe appreciates that its comments were taken into account during the evaluation of P-33-016598, including the need for the entirety of the village to be evaluated for adverse effects. We concur that the entire Village of Paavo' is significant and eligible for the National Register of Historic Places (NRHP) and that the Project will cause adverse impacts to that site. As detailed more below, however, the Tribe does not agree that any part of the Project should impact any of the site.

We are also disturbed that the five remaining individual sites located within the Project APE are not being addressed in the larger cultural context of the area and are not identified as significant under CEQA or NEPA. We urge the agencies to again review our previous
comments regarding the cultural landscape and importance of this area and the larger context in which these “sites” lie, in order to understand their nature and properly assess their value.

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe’s, aboriginal territory as evidenced by the existence of Luiseño place names, tóota yixéval (rock art, pictographs, petroglyphs), village complexes and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe’s cultural ties to this area as well as extensive history with both this Project and other projects within the area.

The Tribe has submitted comments regarding its territory affiliation in previous comment letters. We would urge the FHWA, Caltrans and RCTC to review our information and recognize that the Tribe has extensive knowledge about the Project area and its territory. The Tribe does not involve itself in projects unless it has distinct and urgent concerns about the protection and preservation of Luiseño resources. The Tribe welcomes the opportunity to meet with the FHWA, Caltrans and RCTC to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdictions.

TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION

The Tribe is in receipt of the Findings of Effect, Volume 1, Mid-County Parkway, Riverside County, California dated March 2012. As Caltrans is aware, the Mid-County Parkway Project is located in a highly sensitive region of Luiseño territory. While the Tribe is not opposed to this Project as a whole, the Tribe is opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources, including those impacts proposed to Paavo’ (P-33-016598) and the additional five cultural sites that were determined to be not eligible for the NRHP (33-19862, -19863, -19864, -19865, -19866).

As stated above and in our previous comments, the Tribe does not agree with the ineligibility determination of the five sites. The Tribe knows that these individual activity areas are part of a larger complex of “sites” that, when viewed at a landscape level, form a larger habitation, or village, complex that stretches for several miles. While we have not seen a Final Historic Properties Survey Report (HPSR) or a Response to Comments, the Tribe concludes by this FOE that our information about this area and our recommendations to reevaluate these sites in a larger context was not addressed by Caltrans in order to make a determination that these sites are eligible. The Tribe requests to continue working with the FHWA, Caltrans and RCTC to avoid and preserve these sites during the construction of the MCP.
The Tribe does concur that the Paavo' complex is highly significant and sacred to the Tribe and that it is eligible in its entirety for the NRHP. We have provided the following comments on Section 5.1 Effects Assessment for 33-16598.

5.1.1 36 CFR 800.5(a)(2)(i) – Physical Destruction of or Damage to All or Part of the Property

The Tribe concurs with the Caltrans determination that destruction of the northeastern portion of Paavo’ is an adverse effect. As is noted in the FOE, “[T]he 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, and the destruction of any portion of the site is a destruction of the totality of the site.” Based upon the information previously provided, the Tribe still maintains that it does not agree with the destruction of the site, regardless of the scientific evaluation that this is a “non-contributing element” to the village.

5.1.2 36 CFR 800.5(a)(2)(ii) – Alteration of a Property, Including Restoration, Rehabilitation, Repair, Maintenance, Stabilization, Hazardous Material Remediation and Provision of Handicapped Access, that is not Consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR Part 68) and Applicable Guidelines

The Tribe concurs that there will be an adverse effect as a portion of Paavo’ will be destroyed. The Tribe continues to request avoidance of the entirety of the site and requests to work closely with the FHWA, Caltrans and RCTC to develop appropriate mitigation measures during construction.

5.1.3 36 CFR 800.5(a)(2)(iii) – Removal of the Property from its Historic Location

The Tribe concurs that Paavo’ will not be removed from its physical location such as a historic building might be removed, however the soils that are currently covering the intact deposits of the village will be removed. If these soils are removed to another location within the Project APE, then an adverse effect will occur per this criteria. At this time, the Tribe requests that none of the soils that are to be overexcavated within the village be removed from their original location to be utilized elsewhere in the Project. The Tribe will consult further with FHWA, Caltrans and RCTC regarding this issue and work towards developing appropriate mitigation measures to address our concerns.

5.1.4 36 CFR 800.5(a)(2)(iv) – Change of the Character of the Property’s Use or of Physical Features Within the Property's Setting that Contribute to its Historic Significance
The Tribe argues that the MCP Project has already caused an adverse effect to the character of the village. During the archaeological excavations of this area, ceremonial artifacts were uncovered and, due to the proposed future impacts, had to be relocated and reburied in a location that was not proposed for development. The Tribe believes that, had the Project not been proposed for this area, these resources would have been left to weather the natural course of events the ancestors had intended. Therefore, because ceremonial artifacts were impacted, the Tribe believes that the character of the village has been impacted and will likely continue to be impacted as additional development occurs for the MCP.

5.1.5 36 CFR 800.5(a)(2)(v) – Introduction of Visual, Atmospheric, or Audible Elements that Diminish the Integrity of the Property's Significant Historic Features

The Tribe does not agree with the conclusion that the visual and audible elements are not adverse effects. The argument for the criteria does not support the conclusion. The first paragraph states that the MCP will be raised 10-15 feet from the current Ramona Expressway and that the ceremonial portion of the site is 0.25 miles to the south. The Tribe believes that raising the roadway such a significant amount is a significant visual impact and that one quarter mile is not a large enough distance to reduce the impacts. The argument is only looking at the roadway; it does not take into account the visual disruption from the increased traffic, including large diesel trucks that will be traveling on the Parkway. Furthermore, with the increased traffic, the noise levels will increase and be a constant impediment to the relative quiet of the area as it exists now.

Although the second paragraph acknowledges that there will be visual and auditory impacts, the argument that the “impact will not rise to the level of being adverse” is subjective and not supported by the information provided. At this time, the Tribe cannot concur with this finding.

5.1.6 36 CFR 800.5(a)(2)(vi) – Neglect of a Property which Causes its Deterioration, Except Where Such Neglect and Deterioration are Recognized Qualities of a Property of Religious and Cultural Significance to an Indian Tribe or Native Hawaiian Organization

The Tribe concurs that the MCP Project will not directly cause neglect of the village.

5.1.7 36 CFR 800.5(a)(2)(vii) – Transfer, Lease, or Sale of Property out of Federal Ownership or Control Without Adequate and Legally Enforceable Restrictions or Conditions to Ensure Long-Term Preservation of the Property's Historic Significance (36 CFR 800.5(a)(2)).

The Tribe concurs.

5.1.8 Reasonably Foreseeable Effects Caused by the Undertaking that may Occur Later in Time, be Farther Removed in Distance, or be Cumulative
The Tribe believes that cumulative impacts will occur as a result of the MCP Project. As we have previously relayed to Caltrans, the increase of vehicles in an area increases air pollution. The Tribe is not aware of any research that has been conducted on tōota yixéval (rock art) to determine whether an increase in pollution levels will negatively affect the pigments and surface of the rocks; however, we believe that the increased toxin levels will have a long-term effect.

Furthermore, it can be argued that the improvement of Ramona Expressway and the creation of MCP will facilitate an increased number of people who will travel through the area and reside in the future Villages of Lakeview project. While the people traveling through the area may not be able to park and have direct access to the village via MCP, the increase of people to this area will create a problem. The ceremonial area, as the most visible portion of the village, could be impacted by graffiti, looting or vandalism and considered by local planning and law enforcement as an attractive nuisance. As the Tribe is concerned about long-term protection of this sacred and ceremonial area, we request to continue working with FHWA, Caltrans and RCTC to develop appropriate mitigation measures that will assist in reducing these adverse effects created as a result of the MCP Project.

5.1.9 Cumulative Effects of the MCP and the Adjacent The Villages Of Lakeview Specific Plan

The Tribe concurs that the development of these two projects will adversely affect Paavo'. The Tribe has consistently stated to the FHWA, Caltrans, RCTC and the County of Riverside that destruction of any portion of this area is a destruction of the total village. The construction of MCP and The Villages of Lakeview project within the village boundaries is a difficult compromise that the Tribe did not concur with during the County of Riverside Planning process and one which we still do not agree and in fact it is the Tribe’s understanding that the County may be required to re-do it’s EIR. Thus, the viability of the Villages of Lakeview Project itself is still in question.

The tribes of Riverside County constantly compromise their sensitive and important cultural sites for the sake of development, and must constantly abide by the recommendations of planners, archaeologists and other planning officials, even to the detriment of these areas. Therefore, as stated previously, the Tribe remains opposed to direct, indirect and cumulative impacts to our sensitive, sacred and ceremonial cultural landscapes and villages.

REQUESTED TRIBAL INVOLVEMENT

The Tribe requests to continue to be involved and participate with the FHWA, Caltrans and RCTC in developing the HPTP and the Memorandum of Agreement (MOA) that will be developed for this Project as well as appropriate mitigation measures to assist with avoidance, short-term Project mitigation and long-term preservation measures for Paavo'.
Pechanga Comment Letter to Caltrans
Re: Pechanga Tribe Comments on the Mid County Parkway FOE
April 23, 2012
Page 6

The Pechanga Tribe looks forward to working together with the FHWA, Caltrans and RCTC in protecting the invaluable Pechanga cultural resources found in the MCP Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we can proceed with developing the appropriate documented required on this Project. Thank you.

Sincerely,

Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
Terri Fulton, Project Archaeologist, LSA Associates
Phil Fulton, Project Archaeologist, LSA Associates
Stephanie Stoermer, Federal Highway Administration
Ms. Anna M. Hoover  
Cultural Analyst  
Pechanga Band of Luiseno Mission Indians  
P.O. Box 2183  
Temecula, CA 92593  

Subject: Response to Pechanga Tribe Comment Letter on Historic Property Survey Report for the Mid County Parkway Project  

Dear Ms. Hoover,  

The Federal Highway Administration (FHWA) would like to thank the Pechanga Band of Luiseño Indians (Pechanga) for their February 22, 2012 letter and comments on the Mid County Parkway (MCP) Historic Property Survey Report (HPSR) distributed to the Pechanga on November 3, 2011. The Pechanga comments, as well as the comments received from the other Tribes consulting on the project, have been carefully considered and have been incorporated into the revised draft documents. This letter addresses several comments in the February 22, 2012 letter from Pechanga.  

Specific Comments  

1. The Tribe formally requests to be notified and involved in the entire environmental review process for the duration of the above referenced project (the "Project"). (Page 1, first paragraph)  

The Tribe has been and will continue to be included in the distribution lists for circulation of all documents, including environmental review documents and archaeological reports.  

2. The Tribe does not agree with the Archaeological Survey Report (ASR) which states that the Project area was primarily occupied by the Cahuilla. (Page 4, first full paragraph)  

The use of specific ethnographic maps in the ASR without an adequate discussion of the alternative theories is problematic... (Page 5, second paragraph)  

Furthermore, the sole usage of Cahuilla Tahquitz stories is misleading as the Luiseño have extensive stories about Takwish as well. (Page 5, third paragraph)
Information provided by Pechanga in the February 22, 2012 letter has been included in HPSR Attachment B, Archaeological Survey Report (ASR), 5.2 Ethnography.

3. The area that is slated for impact from the Mid-County Parkway Project (MCP) was determined by the archaeological consultants to be a non-contributing factor and was approved for destruction and as discussed further below, the Tribe continues to disagree with this assessment. (Page 6, first full paragraph)

As noted in the Archaeological Evaluation Report (AER), “[I]n spite of the overall eligibility of the site under Criteria A/1, C/3, and D/4, there is no evidence of midden soil, cultural features, or cultural stratigraphy within the lower alluvial fan in the right of way, and it is highly likely that the minimal number of subsurface artifacts (most of which were non-diagnostic) was transported into the area by alluvial processes. These items have been further displaced by extensive rodent activity visible in the krotovin. Based on this information, the portion of Site 33-16598 within the right of way is unlikely to answer any research questions proposed in the Archaeological Evaluation Proposal (AEP).”

4. Because 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 traditional cultural area. (Page 6, second full paragraph)

The MCP project was identified as a key west-east regional transportation corridor as a result of several years of comprehensive land use and transportation planning in Riverside County through the Riverside County Integrated Project (RCIP). In 1999, the County of Riverside and the RTC initiated the Community and Environmental Transportation Acceptability Process (CETAP) Project. CETAP was one of the first seven projects in the nation to be processed under Executive Order 13274 for “Environmental Stewardship and Transportation Infrastructure Reviews”. The CETAP Project was intended to provide Tier 1 EIR/EISs that would provide environmental clearance of transportation corridors to facilitate route preservation and planning during ongoing regional land development.

CETAP was a component of the RCIP, which also included an updated Riverside County General Plan and a Multiple Species Habitat Conservation Plan (MSHCP) for western Riverside County. The purpose of the RCIP was to integrate the processes of planning land uses, transportation improvements, and preserving habitat for endangered species. A primary objective of the RCIP was to accommodate projected population growth within Riverside County by focusing development within areas that are readily accessible, providing a good quality of life for future residents, and minimizing environmental and community impacts, including impacts to sensitive habitats and endangered species. The RCIP process sought to achieve approvals of the revised General Plan, the MSHCP, and two CETAP transportation corridors internal to Riverside County (Winchester to Temecula and Hemet to Corona/Lake Elsinore).

The Notice of Intent (NOI) to prepare a tiered Environmental Impact Statement (EIS) for the Hemet to Corona/Lake Elsinore Corridor was published in the Federal Register on August 2, 2001. The NOI indicated that the Tier 1 EIS to be prepared would be used to support a route location decision and that the future Tier 2 EIS would be prepared to present the design features
and construction level of detail for the evaluation of alternatives within the preferred route. As stated in the NOI, "the objective of the proposed EIS is to provide environmental analysis of a multimodal transportation facility within the Hemet to Corona/Lake Elsinore Corridor to allow agencies to proceed with the preservation of right-of-way for a preferred alternative.

For the CETAP Hemet to Corona/Lake Elsinore Corridor (HCLE) HPSR and supporting documents, the following tasks were completed:

- A records search of all known cultural resources within a 1 mi buffer of the centerline of each HCLE Alternative.

- For all areas that have been previously surveyed, those surveys were ranked on a tripartite scale based on whether the survey was considered comprehensive under current Professional Practices.

- Coordination and consultation with the California Native American Heritage Commission (NAHC).

- Consultation and coordination with Native American tribes identified as having an interest within the project area.

- A comprehensive pedestrian survey of the project alignments.

The records search demonstrated that 239 previous surveys that impinged on the HCLE project area had been conducted. A total of 78 percent of these surveys (n=186) were ranked at the lowest level in the ranking scale. The records search also documented 405 cultural resources along the HCLE corridor. Of these, 299 are prehistoric archaeological sites, 86 represent historic sites, 7 are isolates, and 7 represent multi-component archaeological sites.

The total HCLE Corridor project area encompassed 13,819 ac. Initially, the intent of this study was to survey previously unsurveyed portions of the HCLE Corridor representing 67.4 percent of the total area (9309.2 ac). As the records search results were tabulated, it became apparent that 80 percent (3,235.6 ac) of the previously surveyed areas fell into the lowest ranking of survey adequacy. Subsequently, LSA surveyed almost the entire project area (13,354 ac), except where access to the area was denied by the property owner (an area representing 466.3 ac, or 3.4 percent of the project area). A sum of 180 new archaeological and historic sites were identified during the survey.

As previously noted, the CETAP project investigated two corridors: a north-south-trending corridor--the Winchester to Temecula Corridor--and an east-west-trending corridor--the Hemet to Corona, Lake Elsinore (HCLE) Corridor. For the HCLE Corridor, seven alternatives were ultimately considered. The overall MCP project is intended to provide the major east-west corridor proposed as the HCLE Corridor.

The Draft Tier I Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was completed for the HCLE Corridor and circulated for public review in 2002 with a suite of 14 "build" alternatives. Please note that this document is available online at http://www.rcip.org/hcle_toc.htm
Subsequently, the RCTC Board accepted a staff recommendation in June 2003 to proceed with the accelerated preparation of a project-level environmental document for a west-east alternative that would generally follow the existing alignment of Cajalco Road and Ramona Expressway, known as the MCP project.

Engineering and environmental studies were initiated in 2004 for the MCP project, a proposed 32 mi facility between Interstate 15 (I-15) and SR-79, and in September 2007 the RCTC Board selected a Locally Preferred Alternative (Alternative 9 Temescal Wash Design Variation) for the MCP project. Then, in October 2008, a Draft EIR/EIS for the MCP project was circulated for a 90-day public review period. During this time, six public meetings/hearings were held and RCTC accepted public comments for the record at all of these meetings along with comments via the MCP project website and email. Over 3,100 comments were received from 50 public agencies and organizations, 10 large property owners, 240 individuals, and a form letter from over 1,100 individuals nationwide. Two key themes emerged in the public review comments: the cost and timing of available funds for the project, and concerns about the impacts to rural communities and existing habitat reserves.

In Spring 2009, to address the concerns identified in public comments on the Draft EIR/EIS, RCTC as the lead agency under CEQA, FHWA as the lead agency under NEPA, and Caltrans (acting as an agent and providing oversight for the NEPA process) developed an approach for completing the EIR/EIS process for the project. This approach modified the MCP project limits from 32 mi (I-15 to SR-79) to 16 mi (I-215 to SR-79) in order to focus transportation funding where the need is the greatest, between I-215 and SR-79. On July 8, 2009, the RCTC Board formally took action to focus the MCP project between I-215 and SR-79 and to prepare a Recirculated Draft EIR/Supplemental Draft EIS for the modified project.

With regard to cultural resources, the records search and field surveys conducted for the HCLE provided a "universe" of resource locations within the broad corridor that were considered for route preservation. Subsequently, the Project Design Team used this baseline data to formulate the initial alignment for the MCP project to avoid and minimize impacts to cultural resource sites. In 2003, the project development effort transitioned from a programmatic level to a project level effort and the proposed alignment for the MCP was initially very broad (500 feet [ft] on either side of the centerline of each alternative) for follow-up surveys and cultural resource work. This resulted in the completion of Extended Phase One work for all MCP Build Alternatives to ensure resource avoidance and minimization of impacts. In addition, project impacts to resources were assessed through a Phase II Evaluation effort at sites within the APE of the locally preferred alternative (Alternative 9). All of this data formed the Cultural Resource Geographic Information System (GIS) database that was further utilized during project design refinements (e.g., such as retaining walls to avoid sites that might have otherwise been impacted by cut or fill slopes) to further avoid and minimize impacts to cultural resources.

In addition, throughout the CETAP programmatic planning process and subsequent project level effort work, extensive consultation was conducted with local Native American groups and Interested parties. Native American consultation for these earlier projects included project review meetings and on-site meetings to discuss specific resources. Consultation included the Office of Historic Preservation and the Advisory Council on Historic Preservation to discuss possible project effects to archaeological site CA-RIV-16598.
The net result of these continuous avoidance and minimization efforts was to reduce the total potential cultural resource impacts from the construction of the MCP project to impacting five prehistoric archaeological sites, one historical archaeological site, and one built environment resource.

While the MCP project will effect a small portion of site CA-RIV-16598, as noted in a letter dated October 24, 2007 from Edrie Vinson (Senior Environmental Specialist, FHWA) to Laura Miranda (Pechanga Band of Luiseño Indians), “Through the consultation that began in 2004 between Pechanga and RCTC, Pechanga has played a key role in decisions on alignment options and site preservation issues, including numerous meeting discuss the Cajalco Creek Site (P-33-13791). Going back to RCTC’s meeting with you and other Pechanga Tribal members in August 2004, RCTC listened to concerns regarding the cultural importance of this site to the Tribe. Consequently, RCTC searched for different alternatives for avoiding or minimizing effects to this site, which were then reviewed by the Pechanga Tribal Council. Ultimately, the importance of this site to Pechanga was one key factor in RCTC’s decision to select Alternative 9 as their locally preferred alternative. Alternative 9 is the only alternative that fully avoids the Cajalco Creek Site.”

5. ...the ASR states that extensive research was conducted in an effort to identify previously recorded sites in a one mile radius of the project area....

The Tribe questions why this data was not utilized since it appears the analysis for the cultural sites was limited to only those sites recorded within or immediately adjacent to the Direct APE.

Information regarding cultural resources in the vicinity of the project area has been added to the ASR, Section 4.1 Summary of Methods and Results.

6. The Tribe is further concerned with the auditory and visual impacts, cumulative impacts and the growth-related or long-term impacts that the Project will have on these sites. (Page 8, first full paragraph)

To meet both National Environmental Policy Act (NEPA) and California Environmental Policy Act (CEQA) expanded discussions of growth-related impacts, visual and aesthetics, and cumulative impacts are required in the environmental documents. In addition, the draft Findings of Effect (FOE) prepared for the Mid County Parkway project contains section 5.0 Application of the Criteria of Adverse Effects, which includes, “36 CFR 800.5(a)(2)(v) – Introduction of Visual, Atmospheric, or Audible Elements that Diminish the Integrity of the Property's Significant Historic Features” and “Reasonably Foreseeable Effects Caused by the Undertaking that may Occur Later in Time, be Farther Removed in Distance, or be Cumulative.”

7. The Tribe will continue to be involved and participate with the FHWA and Caltrans in assuring that adequate archaeological studies are completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project.

The FHWA and other partner agencies on the MCP project encourage continued consultation among all interested parties.
FHWA would like to thank you for your commitment to the Native American consultation being conducted for this project. Please contact Shawn Oliver at (916) 498-5048, email shawn.oliver@dot.gov, or Stephanie M. Stoermer at our Resource Center at (720) 963-3218 e-mail stephanie.stoermer@dot.gov if there are any questions or additional comments.

Sincerely,

Vincent P. Marimano
Division Administrator
June 27, 2012

Milford Wayne Donaldson, FAIA 08-Riv-MCP
State Historic Preservation Officer PM 0.0/16.3
California Office of Historic Preservation Mid County Parkway Project
1416 Ninth Street, Room 1442
Sacramento, CA 95814

EA 0F320
PN 0800000125

Dear Mr. Donaldson:

Request for Concurrence on Determinations of Eligibility for the Proposed Mid County Parkway Project, Riverside County, California

The California Department of Transportation (Department) in coordination with the Riverside County Transportation Commission (RCTC) is requesting concurrence from the State Historic Preservation Officer (SHPO) regarding the determinations of eligibility for the Mid County Parkway Project. This request for concurrence is undertaken in accordance with the January 2004 Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Preservation Officer, and the California Department of Transportation (PA).

Enclosed you will find a Historic Property Survey Report for the Mid County Parkway Project, Riverside County, California. Under the PA, Caltrans is responsible for ensuring the appropriateness of the Area of Potential Effect (APE) (Stipulation VIII.A) and the adequacy of historic property identification efforts (Stipulation VIII.B). In accordance with Stipulation VIII.C, Caltrans is submitting determinations of NRHP eligibility and supporting documentation to the SHPO for comment.

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 16 miles. A full project description and the Area of Potential Effects (APE) can be found on page 3 and Volume II, Attachment A of the attached HPSR.
Section 106 activities to date for this undertaking include a Historic Property Survey Report (HPSR, June 2012), which documents the identification and evaluation of cultural resources within the project’s Area of Potential Effects (APE). Consultation and identification efforts for the proposed undertaking (summarized on page 3-25 in the HPSR) resulted in the identification of seven cultural resources in the APE that required evaluation.

One property was determined eligible for listing in the NRHP:

- 33-16598/CA-RIV-8712, Prehistoric multi-use site containing rock art, cupules, rock shelters, midden, and milling features.

Five properties were determined ineligible for listing in the NRHP

- 33-19862, milling features
- 33-19863, milling features
- 33-19864, milling features
- 33-19865, remnants of a historic homestead and well
- 33-19866, milling features

One property was previously determined not eligible for listing in the NRHP and you provided concurrence in a letter dated August 2, 2010.

- 33-15752, CBJ Dairy

In addition, one property is assumed eligible for the purposes of the current undertaking pursuant to Stipulation VIII.C.3 of the PA:

- 33-3653, milling features

Pursuant to Stipulation VIII.C.3 of the PA, the Department is considering 33-3653 to be eligible for the NRHP under Criterion D for the purposes of this undertaking without conducting subsurface testing or surface collection and will establish and enforce ESAs to ensure that there will be no adverse effects to the property as a result of the proposed undertaking pursuant to Stipulation X.B.2.a(ii).

Pursuant to Stipulation VIII.C.5 of the Section 106 PA, we request your concurrence that 33-16598/CA-RIV-8712 is eligible for listing in the NRHP.

Pursuant to Stipulation VIII.C.5 of the Section 106 PA, we request your concurrence that 33-19862, 33-19863, 33-19864, 33-16865, and 33-19866 are not eligible for listing in the NRHP.

All other known resources within the APE, including state-owned resources, have no potential for historic significance and are considered exempt because they meet the criteria for Section 106 PA
Attachment 4 (Properties Exempt from Evaluation).

Caltrans has determined that there are historic properties within the APE that may be affected by the undertaking, in accordance with Stipulation IX.B of the PA. Consequently, Caltrans will apply the Criteria of Adverse Effect, and FHWA will continue consultation with the SHPO pursuant to Stipulation X of the PA.

Your concurrence on the Section 106 determinations will be used to determine the applicability of Section 4(f) pursuant to 23 CFR 774.11(e).

We look forward to receiving your response within thirty (30) days of your receipt of this submittal, in accordance with Stipulation VIII.C.5.a of the Section 106 PA. If you have any questions or comments regarding the proposed project, please feel free to contact me at (909) 383-6933 or by email at gabrielle_duff@dot.ca.gov or Andrew Walters, Associate Environmental Planner, Architectural History at (909) 383-2647 or by email at andrew_walters@dot.ca.gov. Thank you for your assistance with this undertaking.

Sincerely,

Gabrielle Duff
Office Chief
Environmental Support/Cultural Studies

Andrew Walters, Caltrans District 8; (CD)
Todd Jaffke, Caltrans Section 106 Coordination Branch Chief
Carol Legard, Advisory Council on Historic Preservation (ACHP)
Stephanie Stoermer, Federal Highway Administration (FHWA); (CD)
Shawn Oliver, Federal Highway Administration (FHWA); (CD)
Larry Vinzant, Federal Highway Administration (FHWA); (CD)
Tay Dam, Federal Highway Administration (FHWA); (CD)
Cathy Bechtel, Riverside County Transportation Commission (RCTC); (CD)
Luther Salgado Sr., Cahuilla Band of Indians
Yvonne Markle, Cahuilla Band of Indians
Samuel Dunlap, Gabrieleno/Tongva Council/Gabrieleno Tongva
Adrian Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians
Anthony Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians
Michael Contreras Jr., Morongo Band of Mission Indians
Anna Hoover, Pechanga Band of Luiseño Mission Indians
Mark Macarro, Pechanga Band of Luiseño Mission Indians
Paul Macarro, Pechanga Band of Luiseño Mission Indians
John Gomez, Jr., Ramona Band of Mission Indians
Joseph Hamilton, Ramona Band of Mission Indians
Joseph Ontiveros, Soboba Band of Luiseño Indians
Enclosures

*Historic Property Survey Report (HPSR) for the Mid County Parkway Project, Riverside County, California, (June 2012).*
Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
California Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Subject: Finding of Adverse Effect (FAE) for the proposed Mid County Parkway Project,  
Riverside County, California

Dear Mr. Donaldson:

The Federal Highway Administration (FHWA) is initiating consultation with the State  
Historic Preservation Officer (SHPO) regarding our finding of effect for the above-  
referenced project. This consultation is undertaken in accordance with the January 1, 2004  
Programmatic Agreement among the Federal Highway Administration, the Advisory  
Council on Historic Preservation, the California State Historic Preservation Officer, and  
the California Department of Transportation (Section 106 PA). We are consulting with you  
under Section 106 PA Stipulation X.C.1, which requires consultation with the SHPO  
regarding findings of adverse effect.

The FHWA, Riverside County Transportation Commission (RCTC), and the California  
Department of Transportation (Caltrans) propose to construct a new transportation corridor  
in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend  
from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco  
Road and the Ramona Expressway, a distance of approximately 16 miles.

On June 27, 2012, pursuant to Stipulation VIII.C.5 of the Section 106 PA, Caltrans  
requested your concurrence that one of the properties that required evaluation was eligible  
for listing in the NRHP. Your concurrence is pending.

Enclosed for your review is the FAE (dated July 2012) for the proposed undertaking. The  
FAE applies the Criteria of Adverse Effect set forth at 36 CFR 800.5(a)(1) to one Historic  
Property determined eligible for listing on the National Register of Historic Places:

- 33-16598/CA-RIV-8712, Prehistoric multi-use site containing rock art, cupules,  
  rock shelters, midden, and milling features.

Pursuant to Stipulation X.A of the PA, FHWA has applied the Criteria of Adverse Effect set  
forth at 36 CFR 800.5(a)(1) and finds that the undertaking would have an adverse effect on  
historic properties.
As described in the enclosed finding of effect document, the proposed undertaking will result in an Adverse Effect to Site 36-16598.

FHWA is consulting with the SHPO pursuant to 36 CFR 800.5 (c) and Stipulation X.C.1. of the Section 106 PA and seeks concurrence on a Finding of Adverse Effect for the project.

If you have any questions, please contact Shawn Oliver, FHWA (916-390-1714; email: shawn.oliver@dot.gov), or Stephanie Stoermer, FHWA, (phone: 720-963-3218). Thank you for your assistance with this undertaking.

Sincerely,

[Signature]

For
Vincent P. Mammano
Division Administrator

Enclosures: Finding of Adverse Effect for the Mid County Parkway Project (July 2012)

cc.
Carol Legard, Advisory Council on Historic Preservation (ACHP) (CD)
Stephanie Stoermer, Federal Highway Administration (FHWA); (CD)
Shawn Oliver, Federal Highway Administration (FHWA); (CD)
Larry Vinzant, Federal Highway Administration (FHWA); (CD)
Tay Dam, Federal Highway Administration (FHWA); (CD)
Gabrielle Duff, Caltrans District 8, (CD)
Andrew Walters, Caltrans District 8; (CD)
Todd Jaffke, Caltrans Section 106 Coordination Branch Chief; hard copy (3)
Cathy Bechtel, Riverside County Transportation Commission (RCTC); (CD)
Luther Salgado Sr., Cahuilla Band of Indians (CD)
Yvonne Markle, Cahuilla Band of Indians (CD)
Samuel Dunlap, Gabrieleno/Tongva Council/Gabrieleno Tongva (CD)
Adrian Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians (CD)
Anthony Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians (CD)
Michael Contreras Jr., Morongo Band of Mission Indians (CD)
Anna Hoover, Pechanga Band of Luiseño Mission Indians (CD)
Mark Macarro, Pechanga Band of Luiseño Mission Indians (CD)
Paul Macarro, Pechanga Band of Luiseño Mission Indians (CD)
John Gomez, Jr., Ramona Band of Mission Indians (CD)
Joseph Hamilton, Ramona Band of Mission Indians (CD)
Joseph Ontiveros, Soboba Band of Luiseño Indians (CD)
Ms. Anna M. Hoover, Cultural Analyst
Pechanga Band of Luiseño Mission Indians
P.O. Box 2183
Temecula, CA 92593

RE: Response to Pechanga Band of Luiseño Mission Indians Comment Letter on Draft Finding of Effects for the Mid County Parkway Project

Dear Ms. Hoover:

The Federal Highway Administration (FHWA) would like to thank the Pechanga Band of Luiseño Indians (Pechanga) for their April 23, 2012 letter and comments on the Mid County Parkway (MCP) Finding of Effect (FOE) distributed to the Pechanga on March 23, 2012.

FHWA notes that the Pechanga expressed similar concerns in their February 22, 2012 comment letter regarding the draft Historic Property Survey Report (HPSR). On June 14, 2012, FHWA provided clarification and detailed responses to the Pechanga’s comments related to the HPSR. The Pechanga’s comments, as well as the comments received from the other Tribes consulting on the project, have been carefully considered and have been incorporated into the revised draft documents to the extent possible.

This letter addresses several specific comments in the April 23, 2012 letter from Pechanga regarding the MCP FOE document.

Specific Comments:

1. While the Tribe is not opposed to this Project as a whole, the Tribe is opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources, including those impacts proposed to Paavo’ (P-33-016598) and the additional five cultural sites that that were determined to be not eligible for the NRHP (33-19862, -19863, -19864, -19865, -19866). (See TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION Page 2, first paragraph). FHWA respectfully acknowledges the Pechanga’s concerns. As FHWA detailed in our response letter of June 14, 2012, avoidance and minimization efforts have occurred throughout the environmental analysis phase of the project in order to reduce the potential number of cultural resources likely affected by the construction of the MCP. We will continue to seek ways to avoid and minimize effects to Paavo’ (P-33-016598) throughout the duration of the project.

2. As stated above and in our previous comments, the Tribe does not agree with the ineligibility determination of the five sites. The Tribe knows that these individual activity areas are part of a larger complex of "sites" that, when viewed at a landscape level, form a larger habitation, or village complex that stretches for several miles. (See TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION Page 2, second paragraph) FHWA respectfully acknowledges that the Pechanga are not in agreement with the eligibility determination for sites 33-19862, -19863, -19864, -19865, -19866. We appreciate the Pechanga’s suggestions regarding the use of a landscape-level approach to evaluating these sites. Please note
that since 33-19865 is a historic archeological site, consisting of the remains of a historic homestead and well, it seems unlikely that it should be included as part of a larger habitation or village.

3. The Tribe requests to continue working with the FHWA, Caltrans and RCTC to avoid and preserve these sites during the construction of the MCP. (See TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION Page 2, second paragraph). The FHWA and other partner agencies on the MCP project encourage continued consultation among all interested parties and we welcome the opportunity to work with the Pechanga and other tribes on avoidance and minimization measures.

4. 5.1.1 36 CFR 800.5(a)(2)(I) - Physical Destruction of or Damage to All or Part of the Property. The Tribe concurs with the Caltrans' determination that destruction of the northeastern portion of Paavo is an adverse effect. Based upon the information previously provided, the Tribe still maintains that it does not agree with the destruction of the site, regardless of the scientific evaluation that this is a "non-contributing element" to the village. Page 3). FHWA respectfully acknowledges the Pechanga's concerns and will continue to work with the Pechanga and other tribes on avoidance and minimization measures.

5. 5.1.3 36 CFR 800.5(a)(2)(iii) - Removal of the Property from its Historic Location. The Tribe concurs that Paavo will not be removed from its physical location such as a historic building might be removed, however the soils that are currently covering the intact deposits of the village will be removed. If these soils are removed to another location within the Project APE, then an adverse effect will occur per this criteria. At this time, the Tribe requests that none of the soils that are to be overexcavated within the village be removed from their original location to be utilized elsewhere in the Project. The Tribe will consult further with FHWA, Caltrans and RCTC regarding this issue and work towards developing appropriate mitigation measures to address our concerns. (Page 3). FHWA respectfully acknowledges the Pechanga's concerns regarding the potential for removal and re-deposition of soil from Paavo and we will work with the MCP partner agencies, the Pechanga and the other tribes to insure that soils removed from Paavo will not be utilized elsewhere.

6. 5.1.4 36 CFR 800.5(a)(2)(iv) - Change of the Character of the Property's Use or of Physical Features Within the Property's Setting that Contribute to its Historic Significance. The Tribe argues that the MCP Project has already caused an adverse effect to the character of the village during the archaeological excavations of this area, ceremonial artifacts were uncovered and, due to the proposed future impacts, had to be relocated and reburied in a location that was not proposed for development. The Tribe believes that, had the Project not been proposed for this area, these resources would have been left to weather the natural course of events the ancestors had intended. Therefore, because ceremonial artifacts were impacted, the Tribe believes that the character of the village has been impacted and will likely continue to be impacted as additional development occurs for the MCP. (Pages 3-4). FHWA respectfully acknowledges the Pechanga's concerns and we will work with the MCP partner agencies, the Pechanga and the other tribes to insure that measures are developed that will minimize additional impacts to Paavo.
7. 5.1.536 CFR 800.5(a)(2)M~Introduction of Visual, Atmospheric, or Audible Elements that Diminish the Integrity of the Property's Significant Historic Features. The Tribe does not agree with the conclusion that the visual and audible elements are not adverse effects. The argument for the criteria does not support the conclusion. (Page 4) FHWA respectfully acknowledges the Pechanga's concerns regarding the introduction of visual, atmospheric, or audible elements to Paavo.

8. 5.1.8 Reasonably Foreseeable Effects Caused by the Undertaking that may Occur Later in Time, be Farther Removed in Distance, or be Cumulative. The Tribe believes that cumulative impacts will occur as a result of the MCP Project. (Page 5). FHWA respectfully acknowledges the Pechanga's concerns related to cumulative effects from the MCP. Also, please refer to Response #6 in FHWA’s June 14, 2012 letter which describes the measures taken to address cumulative and indirect effects in the technical studies.

9. The Tribe requests to continue to be involved and participate with the FHWA, Caltrans and RCTC in developing the HPTP and the Memorandum of Agreement (MOA) that will be developed for this Project as well as appropriate mitigation measures to assist with avoidance, short-term Project mitigation and long-term preservation measures for Paavo. (Page 5, last paragraph). As previously noted, the FHWA and other partner agencies on the MCP project encourage continued consultation among all interested parties and we welcome the opportunity to work with the Pechanga and other tribes on avoidance and minimization measures.

FHWA would like to thank you for your commitment to the Native American consultation effort for this project. Please contact Shawn Oliver at 916-498-5048 or by email at shawn.oliver@dot.gov or Stephanie Stoerner of our Resource Center at 720-986-2830 or by email at stephanie.stoerner@dot.gov if there are questions or additional comments.

Sincerely,

[Signature]

For
Vincent P. Mammano
Division Administrator
MEETING SUMMARY
MCP Meeting with the Soboba Band of Luiseño Indians

Thursday, August 16, 2012
10:30 am – 11:30 am PST

Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA

ATTENDEES:
Joe Ontiveros, Soboba Band of Luiseño Indians
Stephanie Stoermer, FHWA (via telephone)
Gabrielle Duff, Caltrans
Gary Jones, Caltrans
Karen Reichardt, Caltrans
Cathy Bechtel, RCTC
Merideth Cann, Jacobs Engineering
Phil Fulton, LSA Associates
Terri Fulton, LSA Associates
Megan Ryan, LSA Associates (via telephone)

I. INTRODUCTIONS

II. PROJECT OVERVIEW AND STATUS
Cathy Bechtel (RCTC) provided a general overview of the original project and the current modified project. Merideth Cann (Jacobs) followed with a map overview of the changes between the original and modified project design, and the milestones completed so far.

III. DISCUSSION
Joe Ontiveros (Soboba Band of Luiseño Indians) opened the discussion by stating Soboba does have the majority of the past MCP documents and they have been reviewing the reports as they receive current notices regarding the MCP project; however he has a lot of questions about the project, mainly the project status at this time. The following is a summary of the questions asked by Joe Ontiveros with the answers provided by the agencies and project team:

Soboba: Of the three alternatives shown in Perris, which is favored?
RCTC: The City of Perris has identified Alternative 9 Modified as their locally preferred alternative. RCTC has not identified a preferred alternative and will not do so for the Recirculated Draft EIR/Supplemental Draft EIS; however a preferred alternative will be identified for the Final EIR/EIS.

Soboba: What is the preferred alternative based on?
RCTC: Impacts from the project throughout the City, like visual impacts, noise and air. Alternative 4 Modified has a 2-mile bridge over the Perris Drain, which is expensive and has visual impacts, and Alternative 5 Modified goes through a future development area. The City prefers Alternative 9 Modified because it is the straighter, shorter and more direct alternative.

Soboba: Does Alternative 9 Modified avoid downtown Perris?
RCTC/Jacobs: Yes, downtown is further south.

Soboba: No historic sites or buildings are impacted in the City of Perris?
LSA: No, there are no impacts to historic resources from any of the alternatives in the Perris area, and all impacts to archaeological sites are on the common alignment of all three alternatives.

Soboba: We deal with Perris a lot and we are always concerned about the Perris Indian School, but that’s further south then, so MCP won’t affect it.
RCTC/LSA/Caltrans: Correct.

Soboba: What amendments to the draft environmental documents were made as a result of cultural resources? The alignment hasn’t changed on the east; is there still room for comment?
RCTC: Absolutely.
Soboba: We have lots of concerns about that area. Did the comments that were made affect the project?
Caltrans: Yes. There was a change of no effect to an adverse effect in the Finding of Effect (FOE) document. Also, a lot of cultural resources dropped out with the change to the shorter alignment for the project.
Jacobs: The western portion of the alignment that is no longer being considered had a lot of sites and there were a lot of concerns about impacts. Once that was dropped the footprint was reduced by half and those sites all dropped out.

Soboba: The big village site (33-16958) in the eastern end of the project that is still being impacted – that is a site that we have been pushing to preserve for a long time. MCP is not the only project that would be impacted the site. Southern California Edison (SCE) is putting a transmission line right through the village. There is also a big housing development proposed. Does San Jacinto have a preferred alternative?
RCTC: The City of San Jacinto has identified the southern design variation (San Jacinto South) that is common to all three build alternatives as their preferred alignment. We are working in coordination with the City.

Soboba: Has the City purchased any land?
RCTC: I’m not sure. I know RCTC owns the southwest corner of the intersection. It used to be a gas station.
Soboba: Are the mitigation measures unanimous for all the sites or specific for the large site (33-16598)?
**Caltrans**: The only eligible site where there will be an effect is the large site. Once the FOE is concurrent upon by the SHPO, the Memorandum of Agreement (MOA) will be produced. The MOA contains the mitigation measures and tribes will be consulted in developing it.

**RCTC**: What is the timeframe for the MOA?

**Caltrans**: It occurs between the draft and final environmental documents. It is a small document with attachments and tells what we are going to implement. The MOA has to be executed before the final environmental document.

**RCTC**: We are hoping for comments on the environmental document this fall so that means we would be responding early next year to comments.

**Soboba**: Assuming there will be a treatment plan for cultural resources Soboba would like to request that when the MOA is circulated and sent to the tribes, there is a call for mitigation measures from us to address impacts to the site. It’s very difficult for tribes to review the MOA when we don’t know what the mitigation measures are and what we are agreeing to. We’d like a draft or rough sample of the standards for dealing with the presence of historic properties to review at the same time. It makes it easier for us to agree to the MOA when we know what’s coming.

**Caltrans**: We envision getting lots of feedback from the tribes, having lots of back and forth and a number of meetings to discuss the mitigation measures.

**Soboba**: Different tribes have different views but we do work together. We work closely with the Morongo (Band of Mission Indians). They don’t have a lot of resources and we give them updates and monitor on their behalf sometimes. For the Villages of Lakeview project, we have a five party agreement that includes us, Pechanga (Band of Luiseño Indians), Ramona (Band of Cahuilla Indians), and San Manuel (Band of Serrano Mission Indians), and the developer on how to treat that site. So we can work together. We made the agreement at the recommendation of the County (Riverside) so an agreement between tribes is possible. We’d like to look at the same kind of process with the MOA and the treatment plan as well.

**Caltrans to FHWA**: Do you have any thoughts on the MOA?

**FHWA**: I think it’s going to take a great deal of consultation and tribal involvement up front. We need to engage the tribes early. Do we have any feedback from San Manuel?

**LSA**: No not yet. They were contacted for the project initially, but haven’t been involved again up to now.

**Soboba**: They have a small department and may not have the resources but they may want to be brought in to consult on this project. They have concerns about the village site. I’m glad to hear FHWA refer to early consultation because ninety-nine percent of the time that’s the problem. Tribes feel they don’t have enough time. It’s important to win the trust of tribes. That location (33-16598) is very close to everybody, that’s why there is a lot of interest. It is one of the most powerful places that still has most of its integrity in the valley. We have ceremonies and stories associated with it, and it seems it is always under attack. We are constantly battling to preserve it. If you could get the documents (MOA, treatment plan) out together that would be the best thing. I know how Section 106 works but we can’t sign an MOA without knowing what’s to come, that’s just taking too big a leap.

**FHWA**: I know how important that site is to you and how many groups and individuals have ties to it. It would be counter-intuitive to send documents out to tribes without some degree of tribal involvement; we would just be guessing what you want. The documents we have sent show a long history of trying to weave through that area while doing the least amount of harm using thoughtful engineering. Those documents show what measures have been taken. No one can expect you to agree if you don’t have the necessary information.
RCTC: I hope the tribe recognizes that RCTC and Caltrans have tried to honor the importance of consultation and keeping the tribes involved, and we will continue to give you lots of information and the documents you need to consult. The goal continues to be ongoing and open consultation.

Soboba: There has been an improvement. I was asked if we wanted FHWA to be present at this meeting today. I’m fine with meeting with just Caltrans in the future, but if things aren’t up to par I will call on FHWA to oversee the consultation; just so it is understood that it is still their responsibility.

FHWA: I appreciate the opportunity to join in the consultation, even virtually, so I can hear firsthand what your concerns are and can relay them to the folks in Sacramento. This is a good start and we will always keep the lines of communication open, but Caltrans is probably your best local resource because they are close to home. You can direct questions to Caltrans first, but FHWA is there and aware of our responsibilities.

Soboba: That’s great because we will call.

FHWA: And sometimes it’s best to address with a call and ask verbally instead of in a letter.

Soboba: So we will look out for the draft MOA. Can we get future documents in a Word format instead of pdf? It’s easier for us to comment.

RCTC: To be honest, we send pdfs because they can’t be altered and we fear that people may try and change things and then say that is the document they got. I can’t promise anything but I will note your request. Maybe we can narrow it down to certain relevant sections.

Soboba: We’ll see after we get the first copy and I’ll let you know. I also want to say that everything discussed here today is confidential between the parties present.

RCTC: Is there a way we can get a copy of the agreement you spoke about between tribes so we can use it for reference? Is it a public document?

Soboba: No, but a signed copy was provided to the County and they should have it on file.

RCTC: I wonder if they can share it?

Caltrans: Maybe, with permission. Does Soboba have a similar agreement with SCE?

Soboba: No because it was federal, so we could not have the same kind of agreement that we could with the county.

RCTC: Well it would be helpful for us to see so we can draft our own type of agreement when the time comes. Does anyone have anything else to add?

ALL: No.

IV. ACTION ITEMS

A) Continued consultation with Caltrans, and FHWA if necessary.

B) Send the draft MOA and rough mitigation measures at the same time so tribes have the necessary information to comment and participate in devising the mitigation measures that will be included in the treatment plan.

V. CONCLUSION

The meeting concluded at 11:30 a.m.
September 18, 2012

Vincent F. Mammano
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

RE: Mid-County Parkway (MCP); Riverside County, California

Dear Mr. Mammano:

Thank you for requesting my comments pursuant to the 1 January 2004 Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The California State Historic Preservation Officer, And The California Department Of Transportation Regarding Compliance With Section 106 Of The National Historic Preservation Act, As It Pertains To The Administration Of The Federal-Aid Highway Program In California (Federal-Aid Highway PA): You have requested my concurrence in your findings of eligibility and effects the proposed undertaking would have on historic properties. My staff has reviewed the documentation you provided and I would like to offer the following comments.

The undertaking as currently proposed is a route of travel that would extend approximately 16 miles from Interstate 215 to State Route 79 in the vicinity of the Ramona Expressway. The efforts to identify historic properties, during consideration of project alternatives, were larger than the area of potential effect as defined for the current undertaking. The area of potential effect for the current undertaking has been surveyed for historic properties. I do not object to those efforts made to date.

You have assumed that cultural resource 33-3653 is eligible for the National Register of Historic Places. While you did not identify which criteria were being met, I believe the site could meet criteria A, C, and D. You propose to avoid adverse effects to this property through establishment of ESA. I do not object to either of these findings.

Based on a previous request, I concurred that the CBJ Dairy, 33-15752, was not eligible for the National Register. That determination remains unchanged as a result of the current efforts.

I concur that 33-16865, remnants of a historic homestead, does not meet the criteria to be eligible for the National Register for the reasons stated.

I concur that 33-16598/CA-RIV-8712 does meet National Register of Historic Places criteria.

You have requested my concurrence that archaeological sites 33-19862, 33-19863, 33-19864 and 33-19866, that will be directly impacted should the undertaking be implemented are not eligible for the National Register given their limited data potential. I agree these cultural resources do
have limited data potential and have limited archaeological values beyond the data already recorded; however, I did note the Tribes have expressed the point that these resources are contributors to a cultural landscape. While these resources individually may not be eligible, they may contribute to an as yet to be defined historic district located within the cultural landscape identified by the Tribes.

As previously noted, when evaluating project alternatives, a considerable amount of data was gathered. I am requesting an evaluation of this data to determine if there is sufficient information to determine if a Native American cultural/historic properties district may exist and if so, would the resources in question, contribute to its significance. I request the applicant analyze existing data including all cultural resources information used in selecting the project alternative and the information provided by the Tribes to determine if a National Register eligible district may exist and if the cultural resources in question contribute to the district’s significance.

Another option to resolving the eligibility question regarding these properties is to assume eligibility and explore means for taking the effects of the undertaking into account. Since the cultural resources that would be directly impacted by the undertaking have limited data potential, I am not proposing for consideration data recovery through archaeological excavation. I do request Federal Highway Administration through Caltrans to the applicant consider options such as expanding the record search previously conducted and continued consultation with the Tribes to determine if such a historic district does exist and if there is additional needs and means for taking effects into account.

Once again thank you for requesting my comments. I very much appreciate the efforts made to date to identify historic properties and evaluate effects. Should you have any questions or if my staff can be of any further assistance, please contact Dwight Dutschke or Susan Stratton at 916-445-7000.

Sincerely,

[Signature]

Milford Wayne Donahue, FAIA
State Historic Preservation Officer

Cc Advisory Council on Historic Preservation
California Department of Transportation
November 27, 2012

Anthony Morales, Chairperson
Gabrieleno/Tongva San Gabriel Band of Mission Indians
P.O. Box 693
San Gabriel, CA 91778

08-Riv-MCP-PM 0.0/31.7
Mid County Parkway Project
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

Dear Mr. Morales:

The Federal Highway Administration (FHWA) and the Riverside County Transportation Commission (RCTC), in cooperation with the California Department of Transportation (Caltrans) District 8, the County of Riverside, the City of San Jacinto, and the City of Perris, propose to construct the Mid County Parkway (MCP), a new highway project in western Riverside County, California. The project area is located in western Riverside County, primarily along or parallel to the existing Ramona Expressway. In order to identify historic properties within the area of potential effects (APE) as required by 36 Code of Federal Regulations (CFR) 800, the regulations implementing the National Historic Preservation Act (NHPA) and similar requirements under the California Environmental Quality Act (CEQA), the entire APE has been inventoried for cultural resources.

On behalf of the FHWA, this letter is to inform you of the revised FOE. The draft FOE, which was sent to you for review on March 22, 2012, discussed a finding of an Adverse Effect for the MCP project for Site 33-16598. The revised FOE discusses a finding of Adverse Effect for Site 33-16598, and also for four additional bedrock milling station sites that are within the MCP area of direct impacts: Sites 33-19862, 33-19863, 33-19864, and 33-19866.

In 2008, a report presenting preliminary Determinations of Eligibility (DOE) and FOE was prepared. The DOE in the 2008 DOE/FOE (Historic Property Survey Report [HPSR], Volume III, Attachment H) was that milling station Sites 33-19862, 33-19863, 33-19864, and 33-19866 are ineligible for the National Register of Historic Places (National Register); therefore, these sites were not addressed in the FOE that was sent to you for review on March 22, 2012. Following review by the Tribes, the HPSR and FOE were submitted to the State Historic Preservation Officer (SHPO) for review and concurrence on July 31, 2012.

"Caltrans improves mobility across California"
In his September 18, 2012, letter (copy attached), the SHPO concurred that these four cultural resources have limited data potential and archaeological values beyond the data already recorded, but noted that, based on comments from the Tribes, these resources individually may not be eligible for the National Register, but may contribute to an as-yet-to-be-defined historic district located within the cultural landscape identified by the Tribes. The SHPO, in his September 18 letter, suggested as an option that these four sites be assumed eligible for the undertaking and to explore means for taking the effects of the undertaking into account. For the purposes of the current undertaking for the MCP project, these four sites are assumed eligible. As these sites are all within the area of direct impacts of the MCP project, the FOE is an adverse effect for Sites 33-19862, 33-19863, 33-19864, and 33-19866.

In summary, the FHWA has determined that the undertaking will have an adverse effect on Sites 33-16598, 33-19862, 33-19863, 33-19864, and 33-19866 within the MCP APE pursuant to Section 106 Programmatic Agreement Stipulation X.C. With the cooperation and assistance of Caltrans, the FHWA is consulting with the SHPO regarding the resolution of adverse effects, pursuant to Section 106 Programmatic Agreement Stipulation XI, 36 CFR 800.6(a), and 800.6(b)(1).

Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about the revised FOE at (949) 553-0666, or you may send an email to terri.fulton@lsa-assoc.com or phil.fulton@lsa-assoc.com. Government-to-government consultation questions and concerns should be directed to Stephanie Stoermer at the FHWA at (720) 963-3218 or stephanie.stoermer@fhwa.dot.gov, or to Gary Jones at Caltrans at (909) 383-4045 or gary_jones@dot.ca.gov.

Thank you for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,

Gary Jones
Associate Environmental Planner, Archaeologist
District Native American Coordinator
Environmental Support/Cultural Studies

Enclosures: CD containing the Draft FOE and all attachments SHPO Letter, September 18, 2012

cc: Cathy Bechtel, RTCR (w/attachments)
    Stephanie Stoermer, FHWA (w/attachments)
November 27, 2012

Adrian Morales 08-Riv-MCP-PM 0.0/31.7
Cultural Resource Management Mid County Parkway Project
Gabrieleno/Tongva San Gabriel Band of
Mission Indians EA 0F320
P.O. Box 693
San Gabriel, CA 91778

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Mr. Morales:

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Commission (RCTC), in cooperation with the California Department of Transportation
(Caltrans) District 8, the County of Riverside, the City of San Jacinto, and the City of Perris,
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Riverside County, California. The project area is located in western Riverside County, primarily
along or parallel to the existing Ramona Expressway. In order to identify historic properties
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Thank you for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,

[Signature]

Gary Jones
Associate Environmental Planner, Archaeologist
District Native American Coordinator
Environmental Support/Cultural Studies

Enclosures: CD containing the Draft FOE and all attachments SHPO Letter, September 18, 2012

cc: Cathy Bechtel, RCTC (w/attachments)
    Stephanie Stoermer, FHWA (w/attachments)
November 27, 2012

Mr. Luther Salgado Sr., Chairperson
Cahuilla Band of Indians
P.O. Box 391760
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7
Mid County Parkway Project
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

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District Native American Coordinator
Environmental Support/Cultural Studies

Enclosures: CD containing the Draft FOE and all attachments SHPO Letter, September 18, 2012

cc: Cathy Bechtel, RCTC (w/attachments)
    Stephanie Stoerner, FHWA (w/attachments)
November 27, 2012

Ms. Yvonne Markel, Environmental Protection Officer
Cahuilla Band of Indians
P.O. Box 391760
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7
Mid County Parkway Project
EA OF320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project, 08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

Dear Ms. Markel:

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cc: Cathy Bechtel, RCTC (w/attachments)
    Stephanie Stoermer, FHWA (w/attachments)
November 27, 2012

Mr. Mark Macarro, Chairman
Pechanga Band of Mission Indians
P.O. Box 1477
Temecula, CA 92593

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

Dear Mr. Macarro:

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cc: Cathie Bechtel, RRTC (w/attachments)
    Stephanie Stoermer, FHWA (w/attachments)

"Caltrans improves mobility across California"
November 27, 2012

Ms. Anna Hoover
Pechanga Cultural Resources Department
Pechanga Band of Mission Indians
P.O. Box 2183
Temecula, CA 92593

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

Dear Ms. Hoover:

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"Caltrans improves mobility across California"
November 27, 2012

Mr. Paul Macarro 08-Riv-MCP-PM 0.0/31.7
Cultural Resources Center Mid County Parkway Project
Pechanga Band of Mission Indians EA 0F320
P.O. Box 1477 (LSA Project No. JCV531)
Temecula, CA 92593

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cc: Cathy Bechtel, RRTC (w/attachments)
    Stephanie Stoermer, FHWA (w/attachments)
November 27, 2012

Mr. Joseph Hamilton, Council Member
Ramona Band of Cahuilla Mission Indians
P.O. Box 391670
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7
Mid County Parkway Project
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

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    Stephanie Stoermer, FHWA (w/attachments)
November 27, 2012

Mr. John Gomez, Jr.
Cultural Resources Coordinator
Ramona Band of Cahuilla Mission Indians
P.O. Box 391670
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7
Mid County Parkway Project
EA 0F320

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08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

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Stephanie Stoermer, FHWA (w/attachments)
November 27, 2012

Mr. Michael Contreras 08-Riv-MCP-PM 0.0/31.7
Cultural Heritage Program Coordinator Mid County Parkway Project
Morongo Band of Mission Indians EA 0F320
12700 Pumara Road
Banning, CA 92220

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

Dear Mr. Contreras:

The Federal Highway Administration (FHWA) and the Riverside County Transportation Commission (RCTC), in cooperation with the California Department of Transportation (Caltrans) District 8, the County of Riverside, the City of San Jacinto, and the City of Perris, propose to construct the Mid County Parkway (MCP), a new highway project in western Riverside County, California. The project area is located in western Riverside County, primarily along or parallel to the existing Ramona Expressway. In order to identify historic properties within the area of potential effects (APE) as required by 36 Code of Federal Regulations (CFR) 800, the regulations implementing the National Historic Preservation Act (NHPA) and similar requirements under the California Environmental Quality Act (CEQA), the entire APE has been inventoried for cultural resources.

On behalf of the FHWA, this letter is to inform you of the revised FOE. The draft FOE, which was sent to you for review on March 22, 2012, discussed a finding of an Adverse Effect for the MCP project for Site 33-16598. The revised FOE discusses a finding of Adverse Effect for Site 33-16598, and also for four additional bedrock milling station sites that are within the MCP area of direct impacts: Sites 33-19862, 33-19863, 33-19864, and 33-19866.

In 2008, a report presenting preliminary Determinations of Eligibility (DOE) and FOE was prepared. The DOE in the 2008 DOE/FOE (Historic Property Survey Report [HPSR], Volume III, Attachment H) was that milling station Sites 33-19862, 33-19863, 33-19864, and 33-19866 are ineligible for the National Register of Historic Places (National Register); therefore, these sites were not addressed in the FOE that was sent to you for review on March 22, 2012. Following review by the Tribes, the HPSR and FOE were submitted to the State Historic Preservation Officer (SHPO) for review and concurrence on July 31, 2012.

"Caltrans improves mobility across California"
In his September 18, 2012, letter (copy attached), the SHPO concurred that these four cultural resources have limited data potential and archaeological values beyond the data already recorded, but noted that, based on comments from the Tribes, these resources individually may not be eligible for the National Register, but may contribute to an as-yet-to-be-defined historic district located within the cultural landscape identified by the Tribes. The SHPO, in his September 18 letter, suggested as an option that these four sites be assumed eligible for the undertaking and to explore means for taking the effects of the undertaking into account. For the purposes of the current undertaking for the MCP project, these four sites are assumed eligible. As these sites are all within the area of direct impacts of the MCP project, the FOE is an adverse effect for Sites 33-19862, 33-19863, 33-19864, and 33-19866.

In summary, the FHWA has determined that the undertaking will have an adverse effect on Sites 33-16598, 33-19862, 33-19863, 33-19864, and 33-19866 within the MCP APE pursuant to Section 106 Programmatic Agreement Stipulation X.C. With the cooperation and assistance of Caltrans, the FHWA is consulting with the SHPO regarding the resolution of adverse effects, pursuant to Section 106 Programmatic Agreement Stipulation XI, 36 CFR 800.6(a), and 800.6(b)(1).

Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about the revised FOE at (949) 553-0666, or you may send an email to terri.fulton@lsa-associ.com or phil.fulton@lsa-associ.com. Government-to-government consultation questions and concerns should be directed to Stephanie Stoermer at the FHWA at (720) 963-3218 or stephanie.stoermer@fhwa.dot.gov, or to Gary Jones at Caltrans at (909) 383-4045 or gary_jones@dot.ca.gov.

Thank you for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,

[Signature]

Gary Jones
Associate Environmental Planner, Archaeologist
District Native American Coordinator
Environmental Support/Cultural Studies

Enclosures: CD containing the Draft FOE and all attachments SHPO Letter, September 18, 2012

cc: Cathy Bechtel, RCTC (w/attachments)
    Stephanie Stoermer, FHWA (w/attachments)
November 27, 2012

Mr. Joseph Ontiveros
Cultural Resources Director
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,
08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

Dear Mr. Ontiveros:

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cc: Cathy Bechtel, RCTC (w/attachments)
    Stephanie Stoerner, FHWA (w/attachments)
November 27, 2012

Mr. Sam Dunlap, Secretary
Gabrielino/Tongva Council/Gabrielino/Tongva Nation
P.O. Box 86908
Los Angeles, CA 90086

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project, 08-Riv-MCP-PM 0.0/31.7, EA OF320 (LSA Project No. JCV531)

Dear Mr. Dunlap:

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[Signature]

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Environmental Support/Cultural Studies

Enclosures: CD containing the Draft FOE and all attachments SHPO Letter, September 18, 2012

cc: Cathy Bechtel, RCTC (w/attachments)
    Stephanie Stoermer, FHWA (w/attachments)
Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Post Office Box 942896  
Sacramento, California 94296-0001

Dear Ms. Roland-Nawi:

Thank you for providing your comments to the Finding of Effect document for the Mid County Parkway Project of the Federal Highway Administration (FHWA), Caltrans District 8, and the Riverside County Transportation Commission (RCTC). Enclosed is a revised Finding of Effect for your information and use.

This consultation is undertaken in accordance with the January 1, 2004 Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation (Section 106 PA). We are consulting with you under Section 106 PA Stipulation X.C.1, which requires consultation with the State Historic Preservation Officer regarding findings of adverse effect.

We appreciate your concurrence on the assumed eligibility for Site 33-3653 for the undertaking for which adverse effects will be avoided through establishment of an Environmental Sensitive Area (ESA). We also appreciate your concurrence that the CBJ Dairy (33-15752) and an historic homestead (33-16865) are not eligible for the National Register of Historic Places (National Register) for the reasons stated. In addition, FHWA has determined that the multi-use site CA RIV 8712 (33 16598) is eligible for listing on the National Register and the undertaking would result in an adverse effect to this resource.

Based on your review and comments, as well as comments received from the Pechanga Band of Luiseño Indians, the Finding of Effect determinations for the Mid County Parkway have been modified to recommend that bedrock milling sites 33-19862, 33-19863, 33-19864, and 33-19866 are assumed eligible for the National Register for the undertaking. Since these four sites will be directly affected by the proposed project, we are assuming they are eligible for the National Register and are seeking your concurrence that the impacts of the project to these resources will be adverse. Pursuant to Stipulation X.A of the PA, FHWA has applied the Criteria of Adverse Effect set forth at 36 CFR 800.5(a)(1) and finds that the undertaking would have an adverse effect on historic properties. It is anticipated that the adverse effects will be resolved through the development of a Memorandum of Agreement that will include completion of a cultural landscape
study of these types of resources in the overall project vicinity or other measures agreed to through consultation.

If you concur with the adequacy of the revised Finding of Effect, please sign the signature block below to indicate your concurrence.

Thank you for completing your initial review, and providing direction for the revisions presented in the attached, revised Finding of Effect. Should you have any questions or if my staff can be of any further assistance, please contact Shawn Oliver at (916) 498-5048, email shawn.oliver@dot.gov or Stephanie Stoermer at (720) 963-3218, email stephanie.stoermer@dot.gov.

Sincerely,

Signature
For
Vincent P. Mammano
Division Administrator

The revised Finding of Effect for the Mid County Parkway Project is approved by the State Historic Preservation Officer.

Signature
Carol Roland-Nawi Date

Enclosure