



GABRIELENO / TONGVA TRIBAL COUNCIL

January 19, 2000

Brad Wetstone, CPUC
c/o Aspen Environmental Group
30423 Canwood Street, Ste 215
Agoura Hills, CA 91301

RE: Draft Supplemental E.I.R./
Bolsa Chica Water Transmission Line and Wastewater Service Plan

Dear Mr. Wetstone:

This letter is in response to the Draft Supplemental E.I.R. on the above named project and the following comments and recommendations were formulated after careful examination of the Cultural Resource section, pages C.7-1 through C.7-21, of that document.

As the elected tribal spokesperson for the Gabrieleno/Tongva Tribal Council, it is my responsibility to comment on the proposed project and to reflect the attitudes and concerns of our tribal membership in matters that may pose such a significant impact to the cultural resources of this tribe.

As I examine the Draft S.E.I.R. there are three categories that I will address: (1) ethnographic area (tribal boundaries) as described in the document and how they pertain to the sovereignty of the Gabrieleno/Tongva Tribal Council, (2) current archaeological analysis and studies of recorded archaeological sites on the Bolsa Chica Mesa (or lack thereof), (3) mitigation measures.

- (1) The Environment Baseline section (C.7.1) of the document correctly states that the area of the proposed project is associated with the Gabrieleno (Tongva) Indians of Los Angeles and Orange counties. What I must question and require substantiated evidence of is the assumption that the area of the proposed project also lies within the tribal boundaries of the Juaneno Indian. Just where exactly is this proof that the Juaneno Indians' tribal boundaries extend as far north as Huntington Beach? As the professional archaeological community considers the traditional boundary of the Gabrieleno/Tongva to extend south to Aliso Creek (Laguna Beach), why are the Juaneno cited in

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this document as being 22 miles north, and out of, their tribal jurisdiction? Could it be that the author, McKenna et al., has been inaccurately influenced by unsubstantiated ethnographical information that has been circulated in the recent past by archaeological contractors who have formed political alliances with the Juaneno Indian, with the sole purpose of justifying one another's existence. As a Gabrieleno Indian, I object to the encroachment upon the sovereignty of the traditional tribal boundaries of the Gabrieleno/Tongva Tribal Council. I request that I receive answers to the questions I have so far raised.

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(2) The issue of current archaeological analysis raises serious questions regarding the adequacy of the archaeology most recently performed on the archaeological sites that would be directly impacted by this proposed project. As stated in the Draft S.E.I.R., the boundaries of many sites are still in question. Thus, if archaeological site boundaries have not been adequately defined on the Bolsa Chica Mesa, how can the proposed project proceed? How could clearance for construction on the Bolsa Chica Mesa (that has already begun in anticipation of this proposed water pipeline and reservoir project) been given? I find it highly disturbing that the area in question on the Bolsa Chica Mesa has yet to be adequately addressed on the issue of archaeological site boundaries. As recorded by a report dated August 5, 1999 by Judy Suchey, Ph.D. (attached), human remains continue to be unearthed in areas given clearance for construction. Discovery of additional human remains and cultural items are of no surprise to me, for any one who has had personal experience in the archaeological field work on the Bolsa Chica Mesa, such as I, in 1993 and 1994, would know that site boundaries were an issue back then, and would also know the high potential for encountering human remains could be expected when you are working in an Indian cemetery. Again, I request answers to the questions I have raised.

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(3) Mitigation measures as defined in section C.7.2 of the Draft S.E.I.R. appear to be adequate in scope, although the Gabrieleno/Tongva Tribal Council would request that the archaeological consultant firm responsible for performing the task of archaeological monitoring and/or fieldwork associated with the proposed project be subject to approval of the Gabrieleno/Tongva Tribal Council. Also, as normally required, the Native American monitor to be utilized on the proposed project should be sanctioned by this tribal council. The issue of accessibility and accountability of the Native American monitor is of foremost importance.

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The Gabrieleno/Tongva Tribal Council wishes to thank you in advance for being given the opportunity to comment on the proposed project and would request that we be given notice of any future public hearings or notices that need to be addressed. Please feel free to contact our office at any time, or you may reach me at (909) 507-1958 (voice).

Sincerely,



SAMUEL H. DUNLAP
Tribal Spokesperson

cc: S.C.W.C.

Judy Myers Suchey, Ph.D.
FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER
COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO
August 5, 1995

J M Suchey

RECEIVED
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In situ examination of skeletal remains at
construction site (Orange County Coroner Case 95-051734E)

On August 4, I went to the construction site at the intersection of Boise Chico and Los Pinos in Huntington Beach. At this location skeletal fragments were found underneath a Native American artifact in bulldozed area where the construction of condominiums is planned. The archaeological company involved in the mitigation is SRS (Scientific Resource Surveys). This location is near the former archaeological site CA-Ora-83 where I did an in situ examination of remains on October 12, 1993. I do not have a Coroner's case number in my file for that visitation but I have a one page report with attachments.

At the site on August 4 I talked with Lisa Woodward (of SRS) 909-323-9340 who explained to me the situation surrounding the skeletal fragments. I identified them as human (based on the left orbit—largely zygomatic and incisor tooth); prehistoric (based on severe dental attrition on the tooth, coloration and mineralization of bone). The remains are extremely fragmentary—consisting of only one tooth and multiple small fragments of cranium. The remains are consistent with being from a single individual. Woodward told me that Robert Beer (President of the company 909-767-2555) had already phoned the Native American Heritage Commission with a tentative diagnosis.

I indicated that the Orange County Coroner would be making official notification. David Belardes (Native American) was at the site at the time of my visit. I instructed Lisa Woodward to call the Orange County Coroner again if additional human remains are found in the area. The construction is over so it is not likely that there will be additional finds. The plan was to remove the area surrounding the remains and keep them in the lab of SRS. The remains would be held until the construction had been totally finalized and then the remains could be reburied.

If the Coroner has further instructions, Lisa Woodward can be notified. If new calls come in regarding remains I suggest that the investigator (Meador) speak with me on the phone and we can make suggestions as to the best manner to handle the situation. The nearby site Ora-83 was a highly controversial site where multiple burials of great antiquity became the subject of a dramatic controversy between environmentalists and developers. To avoid a re-play of this drama, the Coroner needs to keep track of the number of burials being found at this location. Hopefully, the one observed on August 4 will be the only one.

Photographs were taken to document the evidence.

FURTHER ACTION NEEDED:

Native American Heritage Commission should be notified by Inv. Meador or other Coroner personnel.

Certified to be a true copy of original report
on file in Orange County Coroner's Office.
MICHAEL J. CARONA, SHERIFF-CORONER
BY *[Signature]*
Deputy

RESPONSES TO THE GABRIELENO/TONGVA TRIBAL COUNCIL**Letter Dated January 19, 2000**

- 12-1 There is no archaeological proof that the Juaneno tribal boundaries extend into the Huntington Beach area. However, there is archaeological evidence that tribes of Southern California (San Luis Obispo to San Diego) interacted with their neighbors, traded extensively, had kinship ties, and traveled throughout the area. Therefore, it is not out of the realm of reason to identify evidence of one group (e.g., Juaneno) within an area traditionally identified as another (e.g., Gabrieleno). Such remains do not constitute or negate tribal boundaries, only emphasize interaction. The EIR's cultural resource specialist, McKenna et al., holds to the premise that the Bolsa Chica Mesa area is within the traditional Gabrieleno/Tongva boundaries and only references the Juaneno connection as being identified by other archaeologists who have studied the area.

The references to Juaneno are only presented because for many years, the Juaneno have been actively declaring a relationship to the area and because other archaeologists assert that their data supports a Juaneno connection (which does not rule out an even stronger Gabrieleno/Tongva relationship). Tribal "jurisdiction" is a political reference, not an ethnographic or archaeological reference.

- 12-2 It is a matter of a difference of opinion among archaeologists as to whether sufficient data to delineate site boundaries has been compiled and presented. Based on data currently available to the EIR's cultural resource specialist (McKenna et al.), site boundaries are still not firmly established.

In regard to the proposed development on Bolsa Chica Mesa, a previous EIR was certified by the County of Orange (the 1996 Recirculated Draft EIR for the Bolsa Chica Local Coastal Program), providing clearance for a residential development project on the Mesa. This previous EIR addressed impacts to cultural impacts associated with the construction of residential development on the Mesa, and mitigation measures were adopted to offset significant impacts. The previous EIR, however, did not address the issues specific to the proposed water transmission line – hence this supplemental study. This Supplemental EIR addresses impacts associated with the proposed water line and includes additional mitigation measures to address impacts specific to the proposed water line project. For the status of the mitigation program for cultural resources associated with the development project on Bolsa Chica Mesa, you will need to contact the County of Orange, which is responsible for monitoring the implementation of mitigation.

Although construction has been started on the portion of the Mesa within the boundaries of the City of Huntington Beach, the remainder of the Mesa remains undeveloped pending consideration of a revised land use plan by the California Coastal Commission as part of a new LCP for the area. The Coastal Commission is expected to consider the new land use plan for the Mesa in April 2000.

- 12-3 Communication and consultation with Native American representatives is becoming more important in the environmental processes, especially in southern California, where so many Native Americans can rightfully claim associations to prehistoric resources. Therefore, the CPUC is willing to work with the Tribal Council to select a mutually agreeable archaeological monitor and Native American monitor.