



PECHANGA CULTURAL RESOURCES

Temecula Band of Luiseño Mission Indians

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April 27, 2009

Mr. Jason Moquin
Senior Planner
City of Corona
Community Development Department
400 S. Vicentia Avenue
Corona, CA 92882

RE: Pechanga Tribe Comment on the Notice of Preparation (NOP) of a DEIR for Tract 34760, Specific Plan Amendment No. 08-005 & Annexation 110 (Rancho de Paseo Valencia) Project

Dear Mr. Moquin:

This comment letter is submitted by the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, in response to the NOP of a DEIR, dated March 30, 2009. The Tribe is formally requesting, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"), and requests that these comments be part of the record of approval for this Project. If you have not already done so, 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 and requests that these comments be made part of the record of approval for this Project.

**THE CITY MUST CONSLUT WITH THE PECHANGA TRIBE PURSUANT TO
CAL. GOVT. C. §§ 65351, 65352, 65352.3 AND 65352.4
(SENATE BILL 18—TRADITIONAL TRIBAL CULTURAL PLACES LAW)**

As this Project entails a Specific Plan Amendment, the Lead Agency is required to consult with the Pechanga Tribe pursuant to a State law entitled Traditional Tribal Cultural Places (also known as SB 18: Cal. Govt. C. § 65352.3). Such consultation shall be for the purposes of identifying any Native American sacred places and any geographical area which could yield potentially sacred places, identifying proper means of treatment and management of such places, and to ensure the protection and preservation of such places through agreed-upon mitigation (Cal. Govt. C. 65352.3; SB 18, Chapter 905, Section 1(4)(b)(3)). All consultations shall be government-to-government, meaning they shall be directly between the Tribe and the

Lead Agency, seeking agreement where feasible (Cal Govt. C. § 65352.4' SB 18, Chapter 905, Section 1(4)(b)(3)). Lastly, any such information conveyed to the Lead Agency concerning Native American sacred places shall be confidential in terms of the specific identity, location, character, and use of those places and associated features and objects. Such information shall not be subject to public disclosure pursuant the California Public Records Act (Cal. Govt. C. 6254(r)).

The Pechanga Tribe has previously requested SB 18 consultation regarding this Project in a letter dated October 25, 2007. To our knowledge, this request has not been responded to by the City. The Tribe is further concerned about the lack of Native American consultation for the archaeological assessment. The City must provide for consultation with the culturally affiliated tribes prior to the completion of the CEQA process for this Project. The Tribe further urges that this consultation be completed prior to the publication of the DEIR to ensure that the cultural resources mitigation measures take into account the Tribe's concerns and issues. In addition, the Phase I Archaeological Assessment indicates that a sacred lands check was conducted, but we know of no efforts that were made to contact the Pechanga Tribe concerning this check.

As such, the Pechanga Tribe is, again, requesting consultation with the City of Corona and official notice of all actions concerning this Project pursuant to the Tribal Traditional Cultural Properties law and the CEQA. To complete this consultation, the Tribe requests copies of all documents pertaining to the cultural resource and archaeological impacts of this Project, including, but not limited to, environmental documents, archaeological reports, records search results, results of NAHC and sacred lands research, proposed mitigation measures and conditions of approval, City policies concerning cultural resources, development plans, site maps, and archaeological site records.

Further, because of the timeline of this Project, the Tribe requests an in-person, government-to-government consultation, as well as incorporating this letter as part of the official record for SB 18 purposes and CEQA purposes.

PECHANGA CULTURAL AFFILIATION TO THE PROJECT AREA

The Project area is located within the Tribe's aboriginal territory, as evidenced by the existence of Luiseño oral history. Located within close vicinity of the Project property (to the east and south of the Project) are two (2) Luiseño villages (*Túu'uv* and *Paxánxa*) and extensive Luiseño cultural resources. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's specific cultural ties to this area.

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, based upon linguistic, ethnographic and artifactual data, include this region

in their descriptions and such territory descriptions correspond with what was communicated to the Pechanga people by our elders. While these historic accounts and anthropological and linguistic theories 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 originates with the creation of all things at 'éxva Teméeku, known today as the City of Temecula, and dispersing out to all corners of creation (what is today known as Luiseño territory). It was at Temecula that the Luiseño deity *Wuyóot* lived and taught the people, and here that he became sick, finally expiring at Lake Elsinore after visiting many of the hot springs located within Luiseño and Cahuilla territory. From Elsinore, the people spread out, establishing villages and marking their territories. The first people also became the mountains, plants, animals and heavenly bodies.

One of the Luiseño ceremonial songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Moníivol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110). The story of Táakwish and Tukupar, which is situated around the Temecula Valley, includes placenames for events from the Idyllwild area to the Glen Ivy area, near the Project (Kroeber 1906). Additional ceremonial songs specifically name *Túu'uv* as a place that 'ašwut, eagle, flew on his journey over Luiseño territory. In the song, the name is part of a couplet, a special combination of two (2) words, which indicates a highly sacred area.

Túu'uv is located approximately three (3) miles to the southeast of the Project and linguistic evidence shows that the term refers to an "old village site" and may possibly indicate "[something] grew there". Ethnographically, we know that in this area, large stands of tunas (*Opuntia ficus-indica*) grew and were harvested on a regular basis by the Native Americans and European settlers of the area (Harrington 119:224 part 2). This area is generally considered more ancient and is associated with a larger geographic region and the village known as *Paxánxa*, located at present day Glen Ivy, to the south and east. There, a cold spring (*Hólwuna*) and hot spring (*u'úumay*) were used by many people. There were also an abundance of oak trees to provide for a large village complex. The drainages in this area have been historically dry and many Tribal people concur (with anthropologists) that occupation of this stretch of territory occurred prior to the emergence of bedrock mortar usage.

Tóota eskánishtum, or rock art, is also an important element in the determination of Luiseño territorial boundaries. *Tóota eskánishtum* can consist of petroglyphs-incised elements, or pictographs-painted elements. The science of archaeology tells us that places can be described through these rock art 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. Gerald

Smith and Steve Freers book "Fading Images" describes this style of rock art as being, "Generally associated with late prehistoric and historic Luiseño populations, with extensions into neighboring territories. The type site is the major locus of the style, on the San Luis Rey River, San Diego County" (Smith and Freers 26). The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, 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/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of marking, 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 indentations, or cupules. We feel that these may be indicative of boundary markers. Numerous *tóota eskánishtum* have been recorded to the east and south of the Project area.

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 (DuBois 1908:158).

The Temescal Valley area is known as a major transportation corridor, both historically and prehistorically. The current Interstate 15 freeway was built upon old trails, including the Butterfield Stage Route, which were originally based upon Native American migration routes and trails. Pechanga elders state that the Temecula/Pechanga people had usage/gathering rights, to an area extending from Rawson Canyon near Lake Skinner on the east, over to Lake Matthews on the northwest, down Temescal Canyon, and back to the Temecula area. These migration and seasonally used trails eventually tied large complexes such as *Paxávxa*, *Qaxáalku*-located southeast of Lake Matthews, and other village complexes in the area, together. These trails would have most likely been located along present day Cajalco Road, which would have provided an all important access to the large medicinal swamp land of Lake Matthews.

Additional traditional and historical information regarding the area north of Lake Elsinore says that in 1818, a village (*Paqavqa*) was located near the "big cienega", near the center of the valley where the "Serrano boulder" marks the location of the Serrano adobe. The old village at the spring was still occupied in 1861, and the village was occupied at least until 1865 (Oxendine 1983:104-105). In their study of the extent of Luiseño territory, Baksh et al (1999:4-119) declare that the area from Lake Elsinore, north to the Santa Ana River is "clearly" Luiseño territory.

The Tribe is in disagreement with the conclusion in the Phase I Archaeological Assessment¹ that concludes the Project area lies within the Gabrieleno traditional territory and that the Luiseno people only came to this area at a later point in time. The Phase I Archaeological Assessment utilizes the Shoshonean wedge theory to conclude that the Luiseno people did not have original or clear ties to this geographic area. The Tribe does not agree with the "Shoshonean Wedge" theory being utilized to prove cultural affiliation. The theory asserts "Approximately 1,350 YBP, a Shoshonean-speaking group from the Great Basin region moved into Riverside County, marking the transition to the Late Prehistoric Period" (3.0-3). It is believed the Proto-Uto-Aztecan (PUA) homeland was somewhere in northern Mexico, western Arizona and eastern southern California². PUA has generally been further divided into four subgroups: Hopic, Tubatulabalic, Takic and Numic. Luiseño, Gabrielino and Cahuilla are all language groups under the Takic umbrella. Current linguistic and DNA evidence shows the break up of the Proto-Uto-Aztecan groups into these subgroups to be between 5,000 and 3,500 years before present (B.P.). Takic languages are estimated to be at least 2,500 years old. This suggests the Takic speakers moved into their present homelands 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 (incorrectly identifying them as Shoshoneans) into southern California; however, linguistic evidence does not support this hypothesis. Furthermore, evidence based upon linguistic and DNA data indicate the Takic speakers were forced to move out of the southern San Joaquin Valley area by a wave of Yokustan (Penutians) prior to 3,500 years B.P. Forced to move south, these Takic speakers began replacing, and intermarried with, non-Takic speakers within the Los Angeles basin, and by extension those peoples farther south, prior to 3,500 years B.P. (Sutton 2009).³ This new evidence contradicts the old theory of a "Shoshonean Wedge" and places the Takic speakers in California 1,000 years before the Numic speakers spread across the Great Basin.

Thus, our songs and stories, as well as academic works and recorded archaeological/cultural sites, demonstrate that the Luiseño people who occupied the Project and the areas surrounding (*Túu'uv*, *Paxávxaxa*, *Qaxáalku*, etc) are ancestors of the present-day Luiseño People, including the Pechanga Tribe.

In addition, the Pechanga Tribe has a modern day history of involvement with Projects in the City of Corona and surrounding area. The Tribe would welcome to opportunity to meet with the City to further explain and provide documentation concerning our specific cultural affiliation to lands associated with this Project.

¹ *A Phase I Archaeological Assessment for the Rancho Paseo de Valencia Project, City of Corona, Riverside County, California, APNs 114-040-019, 114-040-020, 275-100-003, Tentative Tract Ma 24760*. Prepared by Sara Moreno, Brian F. Smith and Associates, May 14, 2007; Revised March 11, 2009.

² Campbell, Lyle, 1997. *American Indian Languages: The Historical Linguistics of Native America*. Oxford University Press, New York.

Hill, Jane, 2001, Proto-Uto-Aztecan: A Community of Cultivators in Central Mexico? *American Anthropologist* 103(4):913-934.

³ Sutton, Mark, 2009, *A Reevaluation of Early Northern Uto-Aztecan Prehistory in California*. Presented at the 2009 annual Society of California Archaeology conference in Modesto, CA.

PROJECT IMPACTS TO CULTURAL RESOURCES

As the proposed Project is on land that is within the traditional territory of the Luiseño Indians, the Tribe's primary concerns stem from the Project's likely impacts on cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites and cultural/archaeological items that may be displaced by ground disturbing work on the Project.

At this time it is difficult to fully assess Project impacts to cultural resources for this Project as the Tribe has not had an opportunity to conduct a site visit of the Project area and portions of the Project property were not visible during the Phase I Archaeological Assessment due to dense native vegetation and orchards (Pg. 6.0-1). Upon completion of a site visit, participation in and review of further archeological assessments, and the Tribe's official consultation with the City, the Tribe will be able to conduct a more thorough assessment of cultural resources impacts. The Pechanga Tribe will be engaging in further assessment of the Project area, in consultation with tribal elders, to identify more specific information about this culturally sensitive area.

However, at this time, the Tribe does have preliminary knowledge of potential impacts to cultural resources. Although there were no sites or resources identified by the Phase I, the Tribe does not agree with the conclusion that "prehistoric and historic resources are sparse within the immediate vicinity" of the Project (Pg. 6.0-1). As explained above, located to the east and south of the Project property are two (2) Luiseño villages (*Túu'uv* and *Paxávxa*), as well as Luiseño cultural resources. In addition, there are approximately three (3) cultural resources sites within a 1-mile radius of the Project property (an isolate, CA-RIV-1837, CA-RIV-3686). These cultural properties indicate that it is very probable that inadvertent discoveries of cultural resources will occur on the Project property during any ground-disturbing activities conducted for the Project. The Phase I Archaeological Assessment also acknowledges that inadvertent discoveries of cultural resources are possible (Pg. 6.0-1). As such, mitigation measures to account for these inadvertent discoveries must be adopted.

PROPOSED MITIGATION FOR THE PROJECT

Given that Native American cultural resources may be affected by the Project, the Pechanga Tribe requests to be involved and participate with the City and applicant in creating mitigation plans for the duration of the Project under California Public Resources Code § 21081.

The Tribe requests that Pechanga tribal monitors be required during the grading for the development of the Project. The Tribe possesses expertise in identifying Luiseño cultural resources and tribal traditional resources that some archeological firms do not have, and, as such, should be present to monitor with any archeological monitor. Monitoring, along with other appropriate mitigation measures would account for any inadvertent discoveries and ensure the Project complies with CEQA, which encourages Lead Agencies to adopt measures to account for

inadvertent discoveries (CEQA Guidelines 15064.5). As such, the Tribe further asserts that specific mitigation measures be adopted for this Project to address the possibility of inadvertent discoveries or cultural resources and Tribal Traditional Cultural Places to bring the Project mitigation measures into compliance with the CEQA and SB 18.

According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Pechanga aboriginal territory, the Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this Project.

Further, the Pechanga Tribe requests that the City and developer take steps for the protection of any uncovered resources in the process of these assessments. Additional surveys or excavations may reveal significant cultural and archaeological resources and sites which may be eligible for inclusion in the historic site register, may contain human remains and/or may be sacred Luiseño sites.

Below are the Tribe's preliminary requested mitigation measures for this Project. The Tribe reserves the right to submit additional specific mitigation measures concerning protection and preservation of resources that may be located on the Project property.

1. Tribal monitors from the Pechanga Band of Luiseño Indians shall be allowed to monitor all grading, excavation and ground-breaking activities, including further surveys, to be compensated by the Project Applicant/Developer. The Pechanga Tribal monitors will have the authority to temporarily stop and redirect grading activities, in conjunction with the archeologist and the Lead Agency.

2. Prior to the issuance of grading permits, the Project Applicant/Developer is required to enter into a Treatment Agreement with the Pechanga Band of Luiseño Indians. This Agreement will address the treatment and disposition of cultural resources and human remains, including those that may be inadvertently uncovered during construction as well as provisions for tribal monitors.

3. The landowner agrees to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archeological artifacts that are found on the Project area to the Pechanga Band of Luiseño Indians for proper treatment and disposition.

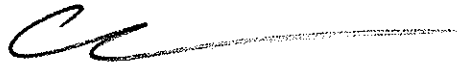
4. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines

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the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

The Pechanga Tribe looks forward to working together with the City of Corona in protecting the invaluable Luiseño cultural resources found in the Project area. Please contact us once you have had a chance to review these comments so that we might address any outstanding issues regarding this Project. If you have any questions, please do not hesitate to contact me at (951) 308-9295 X8104 or Deputy General Counsel Laura Miranda at 951-676-2768 X2137.

Sincerely,



Anna M. Hoover
Cultural Analyst

Cc: Laura Miranda, General Counsel Pechanga Band of Luiseno Indians