



Environmental Impact Sciences

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June 9, 2010

Greg Gubman, Director
City of Diamond Bar
Community Development Department
21825 Copley Drive
Diamond Bar, California 91765-4178

Subject: "Site D" Specific Plan – Tribal Consultation

Dear Greg:

During the Planning Commission's recent deliberations concerning the proposed "Site D' Specific Plan" (SDSP) and its accompanying "Draft Environmental Impact Report for the 'Site D' Specific Plan" (DEIR), the City of Diamond Bar (City or Lead Agency) received correspondence, dated May 23, 2010, from Andy Salas, Chairman of the Gabrieleño Band of Mission Indians (Tribe). The Tribe alleged the project's environmental impact report (EIR) "was handled erroneously by not giving sufficient notification to all the local Native American tribes." This letter is submitted in response to the Tribe's letter.

Background

Senate Bill (SB) 18 (Chapter 905, Statutes of 2004), signed into law by Governor Arnold Schwarzenegger in September 2004, requires cities and counties to notify and consult with California Native American Tribes about proposed local land-use planning decisions for the purpose of protecting Traditional Tribal Cultural Places. Starting on March 1, 2005, cities and counties must send their general plan proposals to those California Native American Tribes that are on the Native American Heritage Commission's (NAHC) contact list and have traditional lands located within the city or county's jurisdiction. After March 1, 2005, if requested, cities and counties must also conduct consultations with those tribes prior to adopting or amending their general plans. To help local officials meet these obligations, SB 18 required the Governor's Office of Planning and Research (OPR) to amend its "General Plan Guidelines" to include advice to local governments on how to consult with California Native American Tribes.

On March 1, 2005, OPR issued interim guidelines and on April 15, 2005 issued "Tribal Consultation Guidelines." On November 14, 2005, OPR issued "Tribal Consultation Guidelines Supplement to General Plan Guidelines" (2005 Supplement). In accordance with the statutory requirements of SB 18, the 2005 Supplement (also known as Tribal Consultation Guidelines) provides advisory guidance to cities and counties on the process for consulting with Native American Indian tribes during the adoption or amendment of local general plans or specific plans.

Greg Gubman, Community Development Director

“Site D” Specific Plan – Tribal Consultation

June 9, 2010

Page 2

For purposes of consultation with tribes, as required by Sections 65352.3 and 65562.5 of the California Government Code (CGC), the NAHC maintains a list of California Native American Tribes with whom local governments must consult. The "California Tribal Consultation List" is developed and maintained by the NAHC under authority granted under Sections 65092, 65352, and 65352.3 of the CGC. Section 65352.3 requires local governments to consult with tribes prior to the adoption or amendment of a general plan or specific plan proposed on or after March 1, 2005. As specified therein, only if a tribe is identified by the NAHC and that tribe requests consultation after being contacted by a local government must a local government consult with the tribe on the plan proposal.

Notification and Outreach Efforts

In accordance with the "Tribal Consultation Guidelines," the City has fully complied with all applicable noticing requirements with regards to tribal outreach efforts, including: (1) on February 1, 2008, sending a "Local Government Tribal Consultation List Request" to the NAHC; (2) on February 1, 2008, sending copies of the "Notice of Preparation" (NOP) to the NAHC and to the following tribal organizations: (a) the Gabrieleño/Tongva Tribal Council, (b) the Gabrieleño Tongva Nation, and (c) the Gabrieliño Band of Mission Indians; and (3) on June 19, 2009, sending copies of the "Notice of Completion" (NOC) to the NAHC and to the following tribal organizations: (a) the Gabrieleño/Tongva Tribal Council, (b) the Gabrieleño Tongva Nation, and (c) the Gabrieliño Band of Mission Indians. It is noted that the NAHC never responded to the City's initial outreach efforts. In the absence of a response from the NAHC to the City's "Local Government Tribal Consultation List Request," the tribal contact information and mailing list was obtained from the NAHC website. No responses to any of the above referenced notices were received from the NAHC and/or from any tribal organization.

Copies of the Lead Agency's "Local Government Tribal Consultation List Request" and NOP are included in the DEIR. A copy of the NOC is included in the "Response to Comments on the Draft Environmental Impact Report for the 'Site D' Specific Plan" (RTC).

In addition, as indicated in the DEIR, PCR Services Corporation (PCR) separately undertook consultation with the NAHC and with "Native American groups and individuals identified by the NAHC" (Appendix K, p. 15). In the preparation of this letter, EIS asked PCR to provide clarification of its actions. PCR provided the following response:

As part of our cultural resources assessment of the Site D project, PCR commissioned a Sacred Lands File (SLF) records search of the study area through the California Native American Heritage Commission (NAHC) on October 8, 2007. The NAHC SLF records search results did not indicate any known Native American cultural resources within the study area or surrounding vicinity (see attached letter from NAHC). As per NAHC suggested procedure, follow-up letters were sent via certified mail on November 21, 2007 to the eight individuals and organizations identified by the NAHC as being affiliated with the vicinity of the study area to request any additional information or concerns they may have about Native American cultural resources that may be affected by the proposed Site D development (see attached list and letters). Each Native American group and/or individual listed was sent a project notification letter and map and was asked to convey any Native American issues or concerns with the proposed project. The letter included information such as study area location and a brief description of the proposed development. As of today (in our report it

Greg Gubman, Community Development Director

“Site D” Specific Plan – Tribal Consultation

June 9, 2010

Page 3

states ‘as of February 22, 2008’), PCR has not received a response from any of the Native American individuals or organizations.

A copy of the NAHC’s response letter to PCR’s SLF records search, dated October 10, 2007, is included in Exhibit 1 (Native American Heritage Commission Letter [October 10, 2007]) and copies of correspondence from PCR, dated November 21, 2007, to each of the tribal organizations identified by the NAHC are included in Exhibit 2 (Solicitations for Tribal Participation [November 21, 2007]) herein. As evidenced by the extent of Lead Agency efforts, the City fully complied with all outreach and consultation obligations concerning the NAHC and California Native American Tribes. Any allegations to the contrary are, therefore, unfounded.

Request for a Native American Monitor

In correspondence dated May 23, 2010, the Tribe stated that “we as a tribe find it imperative to have a NA [Native American] monitor on the site during all excavation/ground disturbances. No exceptions as [sic] accepted.” EIS believes that no basis exists to support that request.

Based on the findings of a records search and field reconnaissance survey, the DEIR concluded: “No prehistoric archaeological resources have been previously recorded within one mile of the project site and no prehistoric resources were identified on the subject property during the pedestrian survey. Prehistoric sites identified in the general project vicinity consist of relatively small collections of surface artifacts. The distribution of subsurface prehistoric deposits in the vicinity is unknown. Given the lack of prehistoric materials identified on the surface of the project site and surrounding radius, in light of multiple previous surrounding studies, the potential for subsurface prehistoric deposits in the study area appears to be low” (p. 4.11-15). Although the potential for prehistoric deposits was deemed to be low, based on the site’s associations with Frederick E. Lewis (owner and operator the Diamond Bar Ranch from 1918 until 1946) and the early ranching history of southern California, the potential exists for unearthing historic artifacts during initial site grading and grubbing operations.

The DEIR included a mitigation measure (Mitigation Measure 11-1) requiring that a "qualified archaeologist" be present to monitor initial vegetation removal activities. The on-site presence of a qualified archaeologist will ensure that, should any prehistoric and/or historic features be identified, appropriate actions are taken to protect those features in accordance with applicable statutory and regulatory obligations.

EIS believes that no further actions are necessary with regards to the Tribe’s letter.

Sincerely,



Peter Lewandowski, Principal

Exhibits: (1) Native American Heritage Commission Letter (October 10, 2007)
(2) Solicitations for Tribal Participation (November 21, 2007)

Exhibit 1
**Native American Heritage
Commission Letter**
(October 10, 2007)

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



October 10, 2007

Mr. Kyle Garcia, Associate Archaeologist
PCR SERVICES CORPORATION
One Venture, Suite 150
Irvine, CA 92618

Sent by FAX to: 949-753-7002
Number of pages: 2

Re: Cultural Resource Identification Study/Sacred Lands File Search for Site D Project; City of Diamond Bar, Los Angeles County, California

Dear Mr. Garcia:

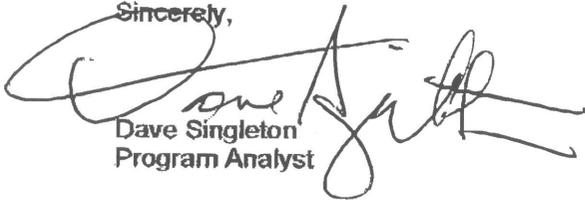
The Native American Heritage Commission was able to perform a record search of its Sacred Lands File (SLF) for the affected project area. The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect (APE).'

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the nearest tribes that may have knowledge of cultural resources in the project area. A List of Native American contacts are attached to assist you. The Commission makes no recommendation of a single individual or group over another. It is advisable to contact the person listed; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area (APE).

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,


Dave Singleton
Program Analyst

Attachment: Native American Contact List

Native American Contacts
Los Angeles County
October 10, 2007

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th Street, Rm. 403
Los Angeles , CA 90020
(213) 351-5324
(213) 386-3995 FAX

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

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

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021 Gabrielino
Beaumont , CA 92223
(951) 897-2536 Phone/Fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Administrator
4712 Admiralty Way, Suite 172 Gabrielino Tongva
Marina Del Rey , CA 90292
310-570-6567

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

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

Gabrielino Tongva Indians of California Tribal Council
Mercedes Dorame, Tribal Administrator
PO Box 590809 Gabrielino Tongva
San Francisco , CA 94159
Pluto05@hotmail.com

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

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

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed Diamond Bar Site D Project; located in southeastern Los Angeles County, California for which a Sacred Lands File search and Native American Contact list was requested.

Exhibit 2
Solicitations for Tribal Participation
(November 21, 2007)



November 21, 2007

Ron Andrade, Director
LA CITY/COUNTY NATIVE AMERICAN INDIAN COMM.
3175 West 6th Street, Rm. 403
Los Angeles, CA 90020

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Mr. Andrade:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

In order to ensure that any areas containing cultural resources or sacred lands are considered, PCR requests any information you are willing to share regarding Native American resources (including properties, places, or archaeological sites) in the vicinity of the project site that may be affected by the proposed project. The project site is located in:

Township 2 South, Range 9 West, Section 29, of the Yorba Linda, CA 1964 (photo-revised 1981) 7.5' USGS Quadrangle.

The project site is also illustrated on the enclosed map.

Thank you for your cooperation and assistance with our efforts to address Native American concerns that may be raised by the proposed project. If you have any questions or would like additional information, please contact me at (310) 451-4488 or via email at m.rockman@pcrnet.com.

Sincerely,
PCR SERVICES CORPORATION

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist



November 21, 2007

Cindi Alvitre
TI'AT SOCIETY
6602 Zekzah Avenue
Reseda, CA 91335

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Ms. Alvitre:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

In order to ensure that any areas containing cultural resources or sacred lands are considered, PCR requests any information you are willing to share regarding Native American resources (including properties, places, or archaeological sites) in the vicinity of the project site that may be affected by the proposed project. The project site is located in:

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The project site is also illustrated on the enclosed map.

Thank you for your cooperation and assistance with our efforts to address Native American concerns that may be raised by the proposed project. If you have any questions or would like additional information, please contact me at (310) 451-4488 or via email at m.rockman@pcrnet.com.

Sincerely,
PCR SERVICES CORPORATION

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist



November 21, 2007

John Tommy Rosas, Tribal Administrator
TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION
4712 Admiralty Way, Suite 172
Marina del Ray, CA 90292

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Mr. Rosas:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

In order to ensure that any areas containing cultural resources or sacred lands are considered, PCR requests any information you are willing to share regarding Native American resources (including properties, places, or archaeological sites) in the vicinity of the project site that may be affected by the proposed project. The project site is located in:

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Thank you for your cooperation and assistance with our efforts to address Native American concerns that may be raised by the proposed project. If you have any questions or would like additional information, please contact me at (310) 451-4488 or via email at m.rockman@pcrnet.com.

Sincerely,
PCR SERVICES CORPORATION

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist



November 21, 2007

Anthony Morales, Chairperson
GABRIELENO/TONGVA TRIBAL COUNCIL
P.O. Box 693
San Gabriel, CA 91778

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Mr. Morales:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

In order to ensure that any areas containing cultural resources or sacred lands are considered, PCR requests any information you are willing to share regarding Native American resources (including properties, places, or archaeological sites) in the vicinity of the project site that may be affected by the proposed project. The project site is located in:

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The project site is also illustrated on the enclosed map.

Thank you for your cooperation and assistance with our efforts to address Native American concerns that may be raised by the proposed project. If you have any questions or would like additional information, please contact me at (310) 451-4488 or via email at m.rockman@pcrnet.com.

Sincerely,
PCR SERVICES CORPORATION

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist



November 21, 2007

Sam Dunlap, Tribal Secretary
**GABRIELINO/TONGVA COUNCIL/
GABRIELINO TONGVA NATION**
761 Terminal Street, Building 1, 2nd Floor
Los Angeles, CA 90021

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Mr. Dunlap:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

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Sincerely,
PCR SERVICES CORPORATION

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist



November 21, 2007

Ms. Susan Frank
GABRIELINO BAND OF MISSION INDIANS OF CA
P.O. Box 3021
Beaumont, CA 92223

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Ms. Frank:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

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The project site is also illustrated on the enclosed map.

Thank you for your cooperation and assistance with our efforts to address Native American concerns that may be raised by the proposed project. If you have any questions or would like additional information, please contact me at (310) 451-4488 or via email at m.rockman@pcrnet.com.

Sincerely,
PCR SERVICES CORPORATION

A handwritten signature in cursive script, reading 'Marcy Rockman', is positioned above the typed name.

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist



November 21, 2007

Robert Dorame, Tribal Chair/Cultural Resources
**GABRIELINO TONGVA INDIANS OF
CALIFORNIA TRIBAL COUNCIL**
5450 Slauson Ave., Suite 151 PMB
Culver City, CA 90230

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Mr. Dorame:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

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Sincerely,
PCR SERVICES CORPORATION

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist



November 21, 2007

Mercedes Dorame, Tribal Administrator
**GABRIELINO TONGVA INDIANS OF
CALIFORNIA TRIBAL COUNCIL**
P.O. Box 590809
San Francisco, CA 94159

**Re: PROPOSED DIAMOND BAR-SITE D PROJECT, LOS ANGELES COUNTY,
CALIFORNIA**

Dear Ms. Dorame:

PCR Services Corporation (PCR) is conducting a cultural resources investigation for the proposed Diamond Bar-Site D project in the City of Diamond, County of Los Angeles, California. The proposed development of the approximately 30-acre area includes the installation of residential and commercial buildings dividing the project site in half. Both the residential and commercial buildings will take up approximately 10.1 acres of the project site leaving the remaining acreage for the development of streets, off-streets, parkway separated walks and on-street bike trails. As part of this effort, and in compliance with federal, state and local environmental regulations, we are writing to invite your comments and concerns with respect to the cultural research process.

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Sincerely,
PCR SERVICES CORPORATION

Marcy Rockman, Ph.D.
Acting Director/Principal Archaeologist