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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

7-1

December 28, 1993

To: Board of Directors (Land Committee--Action)
(Engineering and Operations Committee--Action)

From: General Manager

Subject: Authorization to Enter Into An Agreement With Native American Tribes To Reinter Human Remains

Report

At its meeting on October 8, 1991, your Board adopted a Statement of Findings and Overriding Considerations and Mitigation Monitoring Program for the Domenigoni Reservoir Project, certified the project's Final Environmental Impact Report (FEIR) and certified that the Board had reviewed and considered the information contained in the FEIR prior to approving the project. In that portion of the FEIR regarding mitigation of cultural impacts, it was recognized that significant loss of Native American resources could occur. In such cases, Metropolitan committed to a process wherein the appropriateness of specific mitigation measures would be determined through consultation and negotiation with the affected Native American community. The FEIR also holds that where impacts to sites of spiritual or religious significance to Native Americans cannot be avoided, some degree of reparation may be afforded through monetary compensation or land exchange.

In addition to the commitments contain in the FEIR, the handling and disposition of discoveries of Native American remains is prescribed in California's Health and Safety and Public Resources Codes. These provisions include a requirement that Metropolitan reach an agreement with the most likely descendants of the deceased Native Americans for the treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods.

Representatives of Metropolitan have met with tribal elders of three Native American tribes known as the Pechanga Band of Luiseno Indians, the Santa Rosa Band of the Cahuilla Indians and the Cahuilla Band of the Cahuilla Indians to discuss the disposition of Native American remains that have been unearthed during Metropolitan's excavations at

the Domenigoni Reservoir Project. As a result of these ongoing meetings, and negotiations between the parties' legal representatives, an agreement has been formulated consistent with the FEIR and the Health and Safety and Public Resources Codes.

Under the proposed agreement, Metropolitan will transfer ten acres of land to a corporation formed by the Pechanga Band of the Luiseno Indians and the Santa Rosa Band of the Cahuilla Indians for the sole express purpose of taking title to and managing the property. The land is located between the San Diego Canal and Domenigoni Valley's north hills on property adjacent to the Multi-Species Reserve, purchased as a part of the reservoir project. Metropolitan will also grant a limited easement for ingress and egress across its land and provide potable water to the tribe's property. Thereafter, all Native American remains discovered at the project will be reinterred at this property. Native American remains excavated from other Metropolitan projects and earth-disturbing activities in the region may also be reinterred at this site. The Native American tribes will also agree in perpetuity that the property shall not be used for any other purpose than reinterment and that no permanent structures shall be built on the property, consistent with Metropolitan's operational needs.

The disinterment of the remains of ancestors is a subject of very high cultural and religious sensitivity for Native Americans. Entering into the proposed agreement with the tribes is consistent with Metropolitan's commitments, complies with applicable state law and satisfies the tribes concerns regarding the treatment and reinterment of the remains in a dignified and respectful manner.

Board Committee Assignments

This letter is referred for action to:

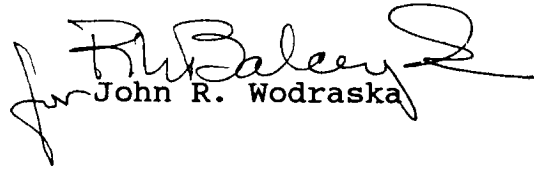
The Engineering and Operations Committee because of its authority to study, advise and make recommendations with regard to the performance of construction programs, pursuant to Administrative Code Section 2431(b); and

The Land Committee because of its authority to study, advise and make recommendations with regard to the purchase, sale and leasing of land and buildings, pursuant to Administrative Code Section 2451(b).

Recommendation

THE ENGINEERING AND OPERATIONS AND LAND COMMITTEES FOR ACTION.

It is recommended that the Board of Directors authorize the General Manager to enter into an agreement, in form approved by the General Counsel, with the Pechanga Band of Luiseno Indians, the Santa Rosa Band of Cahuilla Indians and the Cahuilla Band of Cahuilla Indians to transfer ten acres of land, including minor facility improvements and an easement for ingress and egress thereto, for the reinterment of human remains unearthed during excavation and construction of the Domenigoni Valley Reservoir, and other Metropolitan projects and earth-disturbing activities in the region.


for John R. Wodraska

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